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STATE OF NORTH CAROLINA

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PUBLIC LAWS AND  
RESOLUTIONS

ENACTED BY THE

EXTRA SESSION

OF THE

GENERAL ASSEMBLY

OF

1924

BEGUN AND HELD IN THE CITY OF RALEIGH  
ON  
THURSDAY, THE SEVENTH DAY OF AUGUST, A.D. 1924

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# OFFICIAL REGISTER FOR 1924

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## OFFICIAL REGISTER

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XV

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MISS CLAIRE HODGES.....	Librarian and Stenographer
MRS. KATHLEEN HOLDING.....	Stenographer
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WILLIAM J. ADAMS.....	Associate Justice.....	Carthage.....	Moore
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T. B. FINLEY.....	Wilkesboro.....	Wilkes

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RESIDENT IN OTHER STATES

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J. F. RICHARDSON.....	Mar. 13, 1926	Pageland, S. C.
E. G. BAGLEY.....	Mar. 24, 1926	Danville, Va.
CHARLES E. A. McCARTHY.....	Aug. 6, 1926	New York, N. Y.
CHARLES HENRY HESSE.....	Feb. 12, 1925	Baltimore, Md.
T. N. STEPHENSON.....	Oct. 15, 1925	Norfolk, Va.
WALTER BELL SMITH.....	July 2, 1925	Philadelphia, Pa.
B. E. POLLARD.....	July 2, 1925	Suffolk, Va.
D. D. MORRISSETTE.....	Jan. 17, 1925	Norfolk, Va.
THOMAS J. HUNT.....	Nov. 5, 1925	Philadelphia, Pa.
GEORGE H. COREY.....	Oct. 25, 1925	New York, N. Y.
J. L. BAUBY.....	Feb. 13, 1926	Danville, Va.
ISAAC R. HITT.....	Feb. 9, 1926	Washington, D. C.
WILLIAM E. SCHULL.....	Nov. 24, 1925	Baltimore, Md.
ELLA F. BRAMAN.....	April 20, 1925	New York, N. Y.



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4	W. L. LONG.....	Roanoke Rapids
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8	PAUL D. GRADY.....	Kenly
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9	EMMET BELLAMY.....	Wilmington
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10	J. W. RUARK.....	Southport
11	L. R. VARSER.....	Lumberton
12	D. A. McDONALD.....	Carthage
12	J. R. BAGGETT.....	Lillington
13	JAMES L. GRIFFIN.....	Pittsboro
13	CHARLES U. HARRIS.....	Raleigh
14		
15	A. A. HICKS.....	Oxford
16	ROBERT T. WILSON.....	Yanceyville
16	J. CLYDE RAY.....	Hillsboro
17	O. E. MENDENHALL.....	High Point
17	JUNIOUS C. BROWN.....	Madison
18	W. E. HARRISON.....	Rockingham
18	J. C. BENNETT.....	Samarcand
19	W. C. HEATH.....	Monroe
19	J. M. BOYETTE.....	Albemarle
20	J. L. DELANEY.....	Charlotte
20	FRANK ARMFIELD.....	Concord
21	WALTER H. WOODSON.....	Salisbury
22	A. F. SAMS.....	Winston-Salem
23	R. L. HAYMORE.....	Mount Airy
24	G. T. WHITE.....	Hamptonville
25	BUREN JURNEY.....	Statesville
25		
26	A. E. WOLTZ.....	Gastonia
27	D. F. GILES.....	Marion
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31	PLATO D. EBBS.....	Asheville
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33	G. B. WALKER.....	Andrews

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		Alleghany
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		Rutherford
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		Yadkin
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MISS ROSA MUND.....	Engrossing Clerk.....	Concord
L. F. BURKHEAD.....	Sergeant-at-Arms.....	Asheboro
M. E. WOODHOUSE.....	Assistant Sergeant-at-Arms.....	Currituck

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FRED HARMER.....	Assistant.....	Wake
MISS IVA PEARSON.....	Assistant.....	Wake

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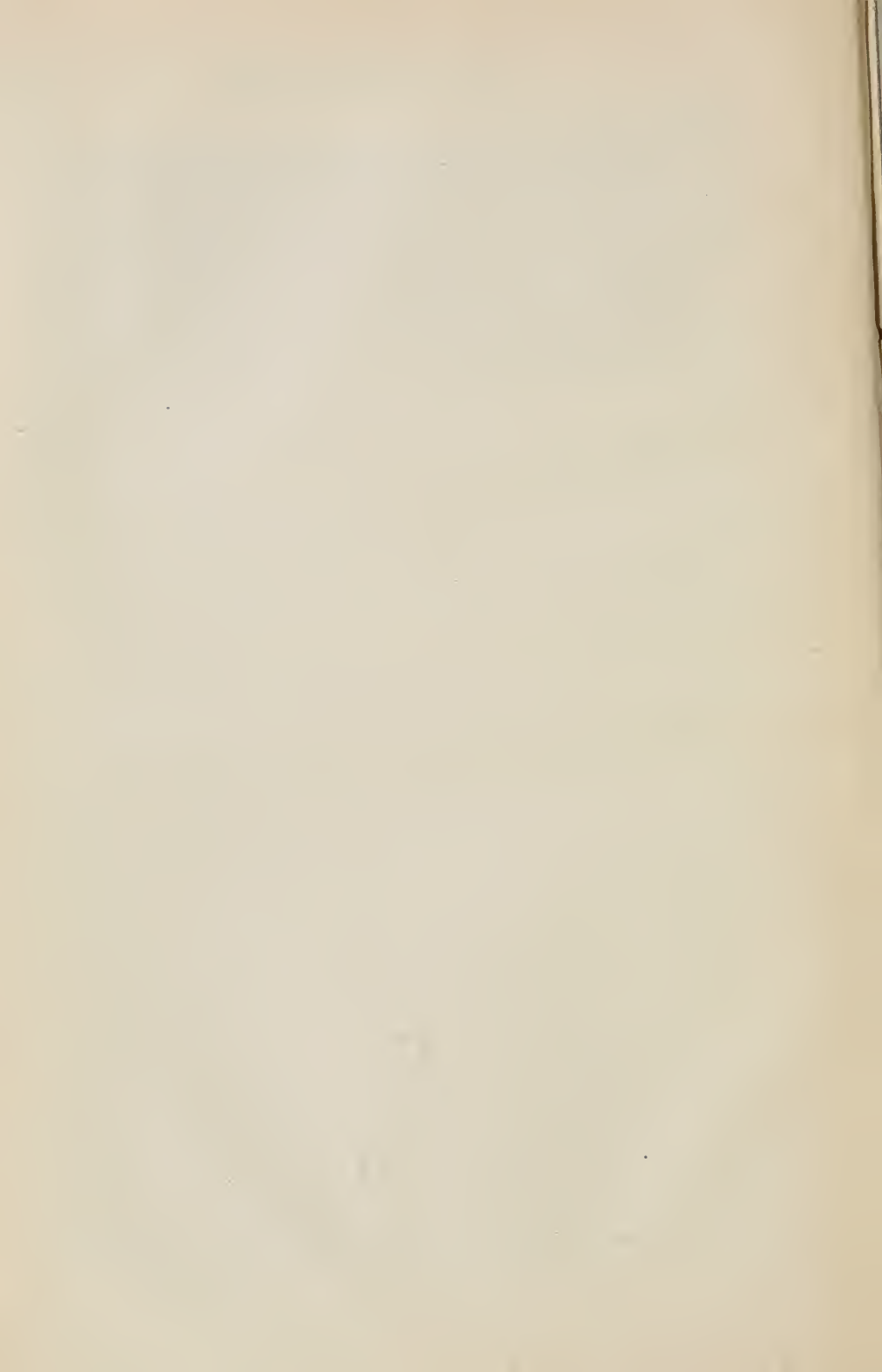
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# CONSTITUTION

## OF THE

# STATE OF NORTH CAROLINA

Adopted April 24, 1868, with amendments to 1921

See Freeman v. Lide, 176 N. C., 434

### PREAMBLE

We, the people of the State of North Carolina, grateful to Almighty God, the Sovereign Ruler of Nations, for the preservation of the American Union, and the existence of our civil, political and religious liberties, and acknowledging our dependence upon Him for the continuance of those blessings to us and our posterity, do for the more certain security thereof, and for the better government of this State, ordain and establish this Constitution:

Const. 1868

### ARTICLE I

#### DECLARATION OF RIGHTS

That the great, general and essential principles of liberty and free government may be recognized and established, and that the relations of this State to the Union and government of the United States, and those of the people of this State to the rest of the American people, may be defined and affirmed, we do declare:

Const. 1868.

SECTION 1. That we hold it to be self-evident that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, the enjoyment of the fruits of their own labor, and the pursuit of happiness.

Const. 1868; Decl. Independence.

State v. Hay, 126-1006; State v. Hill, 126-139.

SEC. 2. That all political power is vested in, and derived from, the people; all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole.

Const. 1868; Const. 1776; Decl. Rights, s. 1.

Quinn v. Lattimore, 120-428; Nichols v. McKee, 68-430.

SEC. 3. That the people of this State have the inherent, sole and exclusive right of regulating the internal government and police thereof, and of altering and abolishing their Constitution and form of government whenever it may be necessary for their

safety and happiness; but every such right should be exercised in pursuance of the law, and consistently with the Constitution of the United States.

Const. 1868; Const. 1776; Decl. Rights, s. 2.

State v. Railway, 145-496; State v. Herring, 145-418; State v. Hicks, 143-689; State v. Lewis, 142-626; Durham v. Cotton Mills, 141-616; State v. Sutton, 139-574; State v. Holoman, 139-642; State v. Patterson, 134-612; State v. Gallop, 126-979; Humphrey v. Church, 109-132; Winslow v. Winslow, 95-24.

That there is no right to secede.

SEC. 4. That this State shall ever remain a member of the American Union; that the people thereof are part of the American Nation; that there is no right on the part of the State to secede, and that all attempts, from whatever source or upon whatever pretext, to dissolve said Union, or to sever said Nation, ought to be resisted with the whole power of the State.

Const. 1868.

Of allegiance to the U. S. Government.

SEC. 5. That every citizen of this State owes paramount allegiance to the Constitution and government of the United States, and that no law or ordinance of the State in contravention or subversion thereof can have any binding force.

Const. 1868.

Public debt.

SEC. 6. The State shall never assume or pay, or authorize the collection of any debt or obligation, express or implied, incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; nor shall the General Assembly assume or pay, or authorize the collection of any tax to pay, either directly or indirectly, expressed or implied, any debt or bond incurred, or issued, by authority of the Convention of the year one thousand eight hundred and sixty-eight, nor any debt or bond incurred or issued by the Legislature of the year one thousand eight hundred and sixty-eight, either at its special session of the year one thousand eight hundred and sixty-eight, or at its regular sessions of the years one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, and one thousand eight hundred and sixty-nine and one thousand eight hundred and seventy, except the bonds issued to fund the interest on the old debt of the State, unless the proposing to pay the same shall have been submitted to the people and by them ratified by the vote of a majority of all the qualified voters of the State, at a regular election held for that purpose.

Const. 1868; 1872-3, c. 85; 1879, c. 268.

Const. 1, s. 6—Annot.

Comrs. v. Snuggs, 121-409; Baltzer v. State, 104-265; Horne v. State, 84-362; Brickell v. Comrs., 81-240; Davis v. Comrs., 72-441; Lance v. Hunter, 72-178; Logan v. Plummer, 70-388; Rand v. State, 65-197; R. R. v. Holden, 63-414; Galloway v. Jenkins, 63-152.

Const. 1, s. 7.

Exclusive emoluments, etc.

SEC. 7. No man or set of men are entitled to exclusive or separate emoluments or privileges from the community but in consideration of public services.

Const. 1868; Const. 1776; Decl. Rights, s. 3.

Power Co. v. Power Co., 175-668, 171-248; Reid v. R. R., 162-355; State v. Perry, 151-661; St. George v. Hardie, 147-88; State v. Cantwell, 142-604; In re



Spease Ferry, 138-219; Bray v. Williams, 137-391; Mial v. Ellington, 134-131; Ewbank v. Turner, 134-82; State v. Biggs, 133-729; Jones v. Comrs., 130-451; Hancock v. R. R., 124-255; Motley v. Warehouse Co., 122-350, 124-232; State v. Call, 121-645; Broadfoot v. Fayetteville, 121-418; Rowland v. Loan Assn., 116-879; R. R. Comrs. v. Tel. Co., 113-213; State v. Van Doran, 109-864; State v. Stovall, 103-416; Gregory v. Forbes, 96-77; Bridge Co. v. Comrs., 81-491; State v. Morris, 77-512; Simonton v. Lanier, 71-503; Barrington v. Ferry Co., 69-165; Kingsbury v. R. R., 66-284; Long v. Beard, 7-57; Bank v. Taylor, 6-266.

SEC. 8. The legislative, executive and supreme judicial powers of the government ought to be forever separate and distinct from each other.

The legislative, executive and judicial powers distinct.

Const. 1868; Const. 1776, Decl. Rights, s. 4.

Lee v. Beard, 146-361; State v. Turner, 143-641; White v. Auditor, 126-605; Bird v. Gilliam, 125-79; Wilson v. Jordan, 124-705; Miller v. Alexander, 122-718; Garner v. Worth, 122-257; Caldwell v. Wilson, 121-476; Carr v. Coke, 116-236; Goodwin v. Fertilizer Works, 119-120; In re Sultan, 115-62; Herndon v. Ins. Co., 111-356; Horton v. Green, 104-401; Rencher v. Anderson, 93-105; Burton v. Spiers, 92-503; In re Oldham, 89-23; Brown v. Turner, 70-93; Railroad v. Jenkins, 63-503; Barnes v. Barnes, 53-372; Houston v. Bogle, 32-504; Hoke v. Henderson, 15-1; Robinson v. Barfield, 6-391.

SEC. 9. all power of suspending laws, or the execution of laws, by any authority, without the consent of the representatives of the people, is injurious to their rights, and ought not to be exercised.

Of the power of suspending laws.

Const. 1868; Const. 1776, Decl. Rights, s. 5.

Jones v. Comrs., 130-470; Abbott v. Beddingfield, 125-268 (dissenting opinion); White v. Auditor, 126-605.

SEC. 10. All elections ought to be free.

Const. 1868; Const. 1776, Decl. Rights, s. 6.

Elections free.

SEC. 11. In all criminal prosecutions, every man has the right to be informed of the accusation against him and to confront the accusers and witnesses with other testimony, and to have counsel for his defense, and not be compelled to give evidence against himself, or to pay costs, jail fees, or necessary witness fees of the defense, unless found guilty.

In criminal prosecutions.

Const. 1868; Const. 1776, Decl. Rights, s. 7.

State v. Neville, 175-731; State v. Fowler, 172-905; State v. Cherry, 154-624; State v. Dry, 152-813; State v. Whedbee, 152-770; State v. Leeper, 146-655; State v. Cline, 146-640; State v. Railway, 145-495; State v. Dowdy, 145-433; State v. Harris, 145-456; State v. Hodge, 142-683; State v. Cole, 132-1073; In re Briggs, 135-118; Sheek v. Sain, 127-266; State v. Mitchell, 119-785; Smith v. Smith, 116-386; Holt v. Warehouse Co., 116-488; State v. Shade, 115-759; State v. Massey, 104-880; State v. Cannady, 78-540; State v. Morris, 84-756; State v. Hodson, 74-153; State v. Collins, 70-247; State v. Alman, 64-366; State v. Thomas, 64-76; State v. Tilghman, 33-513.

SEC. 12. No person shall be put to answer any criminal charges except hereinafter allowed, but by indictment, presentment or impeachment.

Answers to criminal charges.

Const. 1868; Const. 1776, Decl. Rights, s. 8.

State v. Newell, 172-933; State v. Hyman, 164-411; State v. Harris, 145-456; Ex parte McCown, 139-95; State v. Lytle, 138-742; State v. Hunter, 106-800; State v. Dunn, 95-699; State v. Powell, 86-642; State v. Moore, 104-750; State v. Cannady, 78-510; Kane v. Haywood, 66-31; State v. Simons, 68-379; State v. Moss, 47-68.

SEC. 13. No person shall be convicted of any crime but by the unanimous verdict of a jury of good and lawful men in open court. The Legislature may, however, provide other means of trial for petty misdemeanors, with the right of appeal.

Right of jury.

Const. 1868; Const. 1776, Decl. Rights, s. 9.

Jones v. Brinkley, 174-23; State v. Newell, 172-933; State v. Hyman, 164-411; State v. Rogers, 162-656; State v. Brittain, 143-668; Ex parte McCown,

139-95; State v. Lytle, 138-742; State v. Thornton, 136-616; Hargett v. Ball, 134-396; Smith v. Paul, 133-63; State v. Ostwalt, 118-1211; State v. Gadberry, 117-818; State v. Whitaker, 114-819; State v. Best, 111-646; State v. Cutshall, 110-543; State v. Hunter, 106-800; State v. Dunn, 95-698; State v. Powell, 97-417; State v. Divine, 98-781; State v. Powell, 86-642; State v. Dudley, 83-661; State v. Cannady, 78-541; State v. Dixon, 75-275; Barnes v. Barnes, 53-366; State v. Moss, 47-68.

Excessive bail.

SEC. 14. Excessive bail should not be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted.

Const. 1868; Const. 1776, Decl. Rights, s. 10. See English Bill of Rights (1689), c. 1, s. 10.

State v. Smith, 174-804; State v. Woodlief, 172-885; State v. Blake, 157-608; State v. Lance, 149-551; State v. Farrington, 141-844; State v. Hanby, 126-1066; Bryan v. Patrick, 124-661; State v. Ballard, 122-1025; State v. Apple, 121-585; State v. Reid, 106-716; State v. Pettie, 80-369; State v. Cannady, 78-543; State v. Driver, 78-423; State v. Reid, 18-377.

General warrants.

SEC. 15. General warrants, whereby any officer or messenger may be commanded to search suspected places, without evidence of the act committed, or to seize any person or persons not named, whose offense is not particularly described and supported by evidence, are dangerous to liberty and ought not to be granted.

Const. 1868; Const. 1776, Decl. Rights, s. 11.

Brewer v. Wynne, 163-319; State v. Fowler, 172-905.

Imprisonment  
for debt.

SEC. 16. There shall be no imprisonment for debt in this State, except in cases of fraud.

Const. 1868; Const. 1776, Decl. Rights, s. 39.

State v. Williams, 150-802; Ledford v. Emerson, 143-527; State v. Morgan, 141-726; State v. Torrence, 127-550; Stewart v. Bryan, 121-49; Lockhart v. Bear, 117-301; Preiss v. Cohen, 117-59; Fertilizer Co. v. Grubbs, 114-471; Bur-gwyn v. Hall, 108-490; State v. Earnhardt, 107-789; State v. Norman, 110-489; Winslow v. Winslow, 95-24; Kiney v. Lougenour, 97-325; Long v. McLean, 88-3; State v. Beasley, 75-212; Melvin v. Melvin, 72-384; Daniel v. Owen, 72-340; State v. Davis, 82-610; State v. Wallin, 89-578; State v. Cannady, 78-539; Pain v. Pain, 80-322; Moore v. Mullen, 77-327; Moore v. Green, 73-394; State v. Green, 71-173; State v. Palin, 63-471; Bunting v. Wright, 61-295; Burton v. Dickens, 7-103.

No person to be  
taken, etc., but by  
law of the land.

SEC. 17. No person ought to be taken, imprisoned, or dis seized of his freehold, liberties or privileges, or outlawed or exiled, or in any manner deprived of his life, liberty or property, but by the law of the land.

Const. 1868; Const. 1776, Decl. Rights, s. 12; Mag. Carta (1215), c. 39, (1225), c. 29.

Bradshaw v. Lumber Co., 179-501; State v. Kirkpatrick, 179-747; Parker v. Comrs., 178-92; Comrs. v. Boring, 175-105; Comrs. v. State Treasurer, 174-141; Lang v. Development Co., 169-662; State v. Collins, 169-323; State v. Bullock, 161-223; Dalton v. Brown, 159-175; Lawrence v. Hardy, 151-123; Starnes v. Mfg. Co., 147-556; Caldwell Land, etc., Co. v. Smith, 146-199; State v. Williams, 146-618; Dewey v. R. R., 142-392; Anderson v. Wilkins, 142-154; State v. Morgan, 141-726; Daniels v. Home, 139-237; State v. Jones, 139-613; Cozard v. Hardware Co., 139-296; Porter v. Armstrong, 139-179; Ex parte McCown, 139-95; Mial v. Ellington, 134-172; Lumber Co. v. Lumber Co., 135-742; Parish v. Cedar Co., 133-478; Jones v. Comrs., 130-461; Dyer v. Ellington, 126-941; State v. Hill, 126-139; Herring v. Pugh, 126-852; Hutton v. Webb, 124-479; 126-897; Southport v. Stanley, 125-464; Hogan v. Brown, 125-251; Morris v. House, 125-555; Day's Case, 124-362; Caldwell v. Wilson, 121-477; Wood v. Bellamy, 120-212; Hilliard v. Asheville, 118-845; Call v. Wilkesboro, 115-337; State v. Warren, 113-683; Lance v. Harris, 112-480; Williams v. Johnson, 112-435; Bass v. Navigation Co., 111-439; Staton v. R. R., 111-278; State v. Cutshall, 110-543; State v. Hunter, 106-800; Moose v. Carson, 104-431; London v. Headen, 76-72; Rhea v. Hampton, 101-53; State v. Wilson, 107-865; Woodard v. Blue, 103-109; Railroad v. Ely, 95-77; Winslow v. Winslow, 95-24; Worth v. Cox, 89-44; Whitehead v. Latham, 83-232; Vann v. Pipkin, 77-410; State v. Morris, 77-512; Whitehead v. R. R., 87-255; Bridge Co. v. Comrs., 81-491; Pool v. Trexler, 76-297; Privett v. Whitaker, 73-554; State v. Dixon, 75-275; Wilson v. Charlotte, 74-756; State v. Mooney, 74-100; Brown v. Turner, 70-93; King v. Hunter, 65-603; Bank v. Jenkins, 64-719; Norfleet v. Cromwell, 70-634; Johnston v. Rankin,

70-550; Franklin v. Vannoy, 66-151; Sedberry v. Comrs., 66-486; Miller v. Gibbon, 63-635; Schenck ex parte, 65-353; Koonce v. Wallace, 52-194; Barnes v. Barnes, 53-372; Cotton v. Ellis, 52-545; Cornelius v. Glen, 52-512; State v. Glen, 52-321; Stanmire v. Taylor, 48-207; State v. Matthews, 48-452; McNamara v. Kearns, 24-66; Houston v. Bogle, 32-496; State v. Allen, 24-183; Mills v. Williams, 33-553; State v. Johnson, 33, 647; R. R. v. Davis, 19-451; Hoke v. Henderson, 15-1; Pipkin v. Wynne, 13-402; Hamilton v. Adams, 6-161; Oats v. Darden, 5-500; University v. Foy, 5-58, 3-310.

See, also, section 19 of this article.

SEC. 18. Every person restrained of his liberty is entitled to a remedy to inquire into the lawfulness thereof, and to remove the same, if unlawful; and such remedy ought not to be denied or delayed.

Const. 1868; Const. 1776, Decl. Rights, s. 13.

Harkins v. Cathey, 119-663; State v. Herndon, 107-935; In re Schenck, 74-607.

SEC. 19. In all controversies at law respecting property, the ancient mode of trial by jury is one of the best securities of the rights of the people, and ought to remain sacred and inviolable.

Const. 1868; Const. 1776, Decl. Rights, s. 14.

In re Stone, 176-336; Crews v. Crews, 175-168; Walls v. Strickland, 174-298; Silvey v. R. R., 172-110; State v. Rogers, 162-656; Williams v. R. R., 140-623; Kearns v. R. R., 139-482; Smith v. Paul, 133-66; Boutten v. R. R., 128-340; Caldwell v. Wilson, 121-465; Wilson v. Featherstone, 120-447; Harkins v. Cathey, 119-662; State v. Mitchell, 119-786; Driller Co. v. Worth, 117-517; McQueen v. Bank, 111-515; Smith v. Hicks, 108-248; Lassiter v. Upchurch, 107-411; Railroad v. Parker, 105-246; Stevenson v. Felton, 99-58; Harris v. Shaffer, 92-30; Grant v. Hughes, 96-177; Pasour v. Lineberger, 90-159; Worthy v. Shields, 90-192; Wessel v. Rathjohn, 89-377; Grant v. Reese, 82-72; Chasteen v. Martin, 81-51; Overby v. Association, 81-62; Bernheim v. Waring, 79-56; Atkinson v. Whitehead, 77-418; Perry v. Tupper, 77-413; Womble v. Fraps, 77-198; Wilson v. Charlotte, 74-756; Armfield v. Brown, 73-81; Lippard v. Troutman, 72-551; Isler v. Murphy, 71-436; Witkowsky v. Wasson, 71-460; Pearson v. Caldwell, 70-291; Armfield v. Brown, 70-27; Green v. Castleberry, 70-20; Maxwell v. Maxwell, 70-267; Klutts v. McKenzie, 65-102; Andrews v. Pritchett, 66-387; White v. White, 15-257; Smith v. Campbell, 10-590; Bayard v. Singleton, 1-5.

SEC. 20. The freedom of the press is one of the great bulwarks of liberty, and therefore ought never to be restrained, but every individual shall be held responsible for the abuse of the same.

Const. 1868; Const. 1776, Decl. Rights, s. 15.

Osborn v. Leach, 135-623; Cowan v. Fairbrother, 118-406.

SEC. 21. The privileges of the writ of *habeas corpus* shall not be suspended.

Const. 1868.

Ex parte Moore, 64-802.

SEC. 22. As political rights and privileges are not dependent upon or modified by property, therefore no property qualifications ought to affect the right to vote or hold office.

Const. 1868.

Wilson v. Charlotte, 74-756.

SEC. 23. The people of the State ought not to be taxed, or made subject to the payment of any impost or duty, without the consent of themselves, or their representatives in General Assembly, freely given.

Const. 1868; Const. 1776, Decl. Rights, s. 16.

State v. Wheeler, 141-773; Winston v. Taylor, 99-210; Moore v. Fayetteville, 80-154; Worth v. Comrs., 60-617.

Militia and the  
right to bear  
arms.

SEC. 24. A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed; and, as standing armies in time of peace are dangerous to liberty, they ought not to be kept up, and the military should be kept under strict subordination to, and governed by, the civil power. Nothing herein contained shall justify the practice of carrying concealed weapons, or prevent the Legislature from enacting penal statutes against said practice.

Const. 1868; Const. 1776, Decl. Rights, s. 17; Convention 1875.

State v. Barrett, 138-637; State v. Boone, 132-1107; State v. Reams, 121-556; State v. Speller, 86-697.

Right of the peo-  
ple to assemble  
together.

SEC. 25. The people have a right to assemble together to consult for their common good, to instruct their representatives, and to apply to the Legislature for redress of grievances. But secret political societies are dangerous to the liberties of a free people, and should not be tolerated.

Const. 1868; Const. 1776, Decl. Rights, s. 18; Convention 1875.

Religious liberty.

SEC. 26. All men have a natural and inalienable right to worship Almighty God according to the dictates of their own consciences, and no human authority should, in any case whatever, control or interfere with the rights of conscience.

Const. 1868; Const. 1776, Decl. Rights, s. 19.

Rodman v. Robinson, 134-503; Lord v. Hardie, 82-241; Melvin v. Easley, 52-356.

Education.

SEC. 27. The people have the right to the privilege of education, and it is the duty of the State to guard and maintain that right.

Const. 1868.

Collie v. Comrs., 145-170, overruling Barksdale v. Comrs., 93-483; Lowery v. School Trustees, 140-33; Bear v. Comrs., 124-212.

Elections should  
be frequent.

SEC. 28. For redress of grievances, and for amending and strengthening the laws, elections should be often held.

Const. 1868; Const. 1776, Decl. Rights, s. 20.

Recurrence to  
fundamental  
principles.

SEC. 29. A frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty.

Const. 1868; Const. 1776, Decl. Rights, s. 21.

Hereditary emolu-  
ments, etc.

SEC. 30. No hereditary emoluments, privileges or honors ought to be granted or conferred in this State.

Const. 1868; Const. 1776, Decl. Rights, s. 22.

State v. Cantwell, 142-614; Bryan v. Patrick, 124-661; Bridge Co. v. Comrs., 81-504.

Perpetuities, etc.

SEC. 31. Perpetuities and monopolies are contrary to the genius of a free State, and ought not to be allowed.

Const. 1868; Const. 1776, Decl. Rights, s. 23.

State v. Kirkpatrick, 179-747; Allen v. Reidsville, 178-513; State v. Perry, 151-661; St. George v. Hardie, 147-88; State v. Cantwell, 142-614; In re Spease Ferry, 138-259; State v. Biggs, 133-729; Robinson v. Lamb, 126-492; Garsed v. Greensboro, 116-160; Bennett v. Comrs., 125-468; Bryan v. Patrick, 124-661; Guy v. Comrs., 122-471; Thrift v. Elizabeth City, 122-31; Railway v. Railway, 114-725; State v. Moore, 104-718; Hughes v. Hodges, 102-236; Bridge Co. v. Comrs., 81-504; Railroad v. Reid, 64-155; Simonton v. Lanier, 71-503; State v. McGowen, 37-9; State v. Gerrard, 37-210; Griffin v. Graham, 8-96; Bank v. Taylor, 6-266.



SEC. 32. Retrospective laws, punishing acts committed before the existence of such laws, and by them only declared criminal, are oppressive, unjust and incompatible with liberty; wherefore no *ex post facto* law ought to be made. No law taxing retrospectively sales, purchases, or other acts previously done, ought to be passed.

Ex post facto laws.

Const. 1868; Const. 1776, Decl. Rights, s. 24.

State v. Broadway, 157-598; Penland v. Barnard, 146-378; Anderson v. Wilkins, 142-154; Robinson v. Lamb, 129-16; City of Wilmington v. Cronly, 122-383; Culbreth v. Downing, 121-205; Morrison v. McDonald, 113-327; Kelly v. Fleming, 113-133; Lowe v. Harris, 112-472; State v. Ramsour, 113-642; Gilchrist v. Middleton, 108-705; Leak v. Gay, 107-468; Williams v. Weaver, 94-134; State v. Littlefield, 93-614; Burton v. Speers and Clark, 92-503; King v. Foscue, 91-116; Strickland v. Draughan, 91-103; Wilkerson v. Buchanan, 83-296; Whitehead v. Latham, 83-232; Tabor v. Ward, 83-291; Pearsall v. Kenan, 79-472; Lilly v. Purcell, 78-82; Young v. Henderson, 76-420; Libbett v. Mauldsby, 71-345; Ethridge v. Vernoy, 71-184; Franklin v. Vannoy, 66-145; Johnson v. Winslow, 64-27; Jacobs v. Smallwood, 63-112; State v. Keith, 63-144; Roberson v. Brown, 63-554; State v. Bell, 61-76; Hinton v. Hinton, 61-410; Cooke v. Cooke, 61-583; Parker v. Shannonhouse, 61-209; Barnes v. Barnes, 53-366; State v. Bond, 49-9; Phillips v. Cameron, 48-391; Salter v. Bryan, 26-494; Taylor v. Harrison, 13-374; Oats v. Darden, 5-500.

SEC. 33. Slavery and involuntary servitude, otherwise than for crime, whereof the parties shall have been duly convicted, shall be and are hereby forever prohibited within the State.

Slavery prohibited.

Const. 1868.

State v. Hairston, 63-451.

SEC. 34. The limits and boundaries of the State shall be and remain as they now are.

State boundaries.

Const. 1868; Const. 1776, Decl. Rights, s. 25.

SEC. 35. All courts shall be open; and every person for an injury done him in his lands, goods, person or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial or delay.

Courts shall be open.

Const. 1868.

Osborn v. Leach, 135-628; Jones v. Comrs., 130-461; Driller Co. v. Worth, 113-746; Dunn v. Underwood, 116-526; Hewlett v. Nutt, 79-263.

SEC. 36. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war but in a manner prescribed by law.

Soldiers in time of peace.

Const. 1868.

SEC. 37. This enumeration of rights shall not be construed to impair or deny others retained by the people; and all powers not herein delegated remain with the people.

Other rights of the people.

Const. 1868.

State v. Williams, 146-618; Daniels v. Homer, 139-237; Thrift v. Elizabeth City, 122-38; Railroad v. Holden, 63-410; Nichols v. McKee, 68-430; State v. Keith, 63-144; Railroad v. Reid, 64-155.

## ARTICLE II

### LEGISLATIVE DEPARTMENT

SECTION 1. The legislative authority shall be vested in two distinct branches, both dependent on the people, to wit, a Senate and House of Representatives.

Two branches.

Const. 1868; Const. 1776, s. 1.

Wilson v. Jordan, 124-719; Comrs. v. Call, 123-323.

Time of assembling.

SEC. 2. The Senate and House of Representatives shall meet biennially on the first Wednesday after the first Monday in January next after their election; and, when assembled, shall be denominated the General Assembly. Neither house shall proceed upon public business unless a majority of all the members are actually present.

Const. 1868; 1872-3, c. 32; Convention 1875; Const. 1776, ss. 4, 46; Convention 1835, art. 1, s. 4, cl. 7.

Herring v. Pugh, 126-862.

Number of Senators.

SEC. 3. The Senate shall be composed of fifty Senators, biennially chosen by ballot.

Const. 1868; Convention 1835, art. 1, s. 1, cl. 1.

Regulations in relation to districting the State for Senators.

SEC. 4. The Senate districts shall be so altered by the General Assembly, at the first session after the return of every enumeration by order of Congress, that each Senate district shall contain, as near as may be, an equal number of inhabitants, excluding aliens and Indians not taxed, and shall remain unaltered until the return of another enumeration, and shall at all times consist of contiguous territory; and no county shall be divided in the formation of a Senate district, unless such county shall be equitably entitled to two or more Senators.

Const. 1868; 1872-3, c. 81.

Regulations in relation to apportionment of Representatives.

SEC. 5. The House of Representatives shall be composed of one hundred and twenty representatives, biennially chosen by ballot, to be elected by the counties respectively, according to their population, and each county shall have at least one Representative in the House of Representatives, although it may not contain the requisite ratio of representation; this apportionment shall be made by the General Assembly at the respective times and periods when the districts for the Senate are hereinbefore directed to be laid off.

Const. 1868; 1872-3, c. 82; Convention 1835, art. 1, s. 1, cls. 2, 3.

Comrs. v. Ballard, 69-18; Mills v. Williams, 33-563.

Ratio of representation.

SEC. 6. In making the apportionment in the House of Representatives, the ratio of representation shall be ascertained by dividing the amount of the population of the State, exclusive of that comprehended within those counties which do not severally contain the one hundred and twentieth part of the population of the State, by the number of Representatives, less the number assigned to such counties; and in ascertaining the number of the population of the State, aliens and Indians not taxed shall not be included. To each county containing the said ratio and not twice the said ratio there shall be assigned one Representative; to each county containing two but not three times the said ratio there shall be assigned two Representatives, and so on progressively, and then the remaining Representatives shall be assigned severally to the counties having the largest fractions.

Const. 1868; Convention 1835, art. 1, s. 1, cl. 4.

Moffitt v. Asheville, 103-237; Comrs. v. Ballard, 69-18.



SEC. 7. Each member of the Senate shall not be less than twenty-five years of age, shall have resided in this State as a citizen two years, and shall have usually resided in the district for which he was chosen one year immediately preceding his election.

Qualifications  
for Senators.

Const. 1868.

SEC. 8. Each member of the House of Representatives shall be a qualified elector of the State, and shall have resided in the county for which he is chosen for one year immediately preceding his election.

Qualifications for  
Representatives.

Const. 1868.

SEC. 9. In the election of all officers, whose appointment shall be conferred upon the General Assembly by the Constitution, the vote shall be *viva voce*.

Election of  
officers.

Const. 1868; Convention 1835, art. 1, s. 4, cl. 1.

Cherry v. Burns, 124-766; Stanford v. Ellington, 117-161.

SEC. 10. The General Assembly shall have power to pass general laws regulating divorce and alimony, but shall not have power to grant a divorce or secure alimony in any individual case.

Powers in relation to divorce  
and alimony.

Const. 1868; Convention 1835, art. 1, s. 4, cl. 3.

Cooke v. Cooke, 164-272; In re Boyett, 136-415; Ladd v. Ladd, 121-118; Baity v. Cranfill, 91-293.

SEC. 11. The General Assembly shall not have power to pass any private law to alter the name of any person, or to legitimate any person not born in lawful wedlock, or to restore to the rights of citizenship any person convicted of an infamous crime, but shall have power to pass general laws regulating the same.

Private laws in  
relation to names  
of persons, etc.

Const. 1868; Convention 1835, art. 1, s. 4, cl. 4.

SEC. 12. The General Assembly shall not pass any private law, unless it shall be made to appear that thirty days notice of application to pass such a law shall have been given, under such direction and in such manner as shall be provided by law.

Thirty days  
notice shall be  
given anterior to  
passage of  
private laws.

Const. 1868; Convention 1835, art. 1, s. 4, cl. 5.

Power Co. v. Power Co., 175-668; Cox v. Comrs., 146-584; Bray v. Williams, 137-390; Comrs. v. Coke, 116-235; Gatlin v. Tarboro, 78-119; Broadnax v. Comrs., 64-244.

SEC. 13. If vacancies shall occur in the General Assembly by death, resignation or otherwise, writs of election shall be issued by the Governor under such regulations as may be prescribed by law.

Vacancies.

Const. 1868; Convention 1835, art. 1, s. 4, cl. 6.

SEC. 14. No law shall be passed to raise money on the credit of the State, or to pledge the faith of the State, directly or indirectly, for the payment of any debt, or to impose any tax upon the people of the State, or allow the counties, cities or towns to do so, unless the bill for the purpose shall have been read three several times in each House of the General Assembly and passed three several readings, which reading shall have been on three different days, and agreed to by each House respectively, and

Revenue.

unless the yeas and nays on the second and third readings of the bill shall have been entered on the journal.

Const. 1868.

Road Com. v. Comrs., 178-61; Guire v. Comrs., 177-516; Wagstaff v. Highway Com., 177-354; Woodall v. Highway Com., 176-377; Wagstaff v. Highway Com., 174-377; Claywell v. Comrs., 173-657; Brown v. Comrs., 173-598; Cottrell v. Lenoir, 173-138; Hargrave v. Comrs., 168-626; Gregg v. Comrs., 162-479; Pritchard v. Comrs., 160-476, 159-636; Russell v. Troy, 159-366; Comrs. v. Comrs., 157-515; Comrs. v. Bank, 152-387; Tyson v. Salisbury, 151-468; Bank v. Lacy, 151-3; Battle v. Lacy, 150-573; Wittkowsky v. Comrs., 150-90; Lutterloh v. Fayetteville, 149-65; Cox v. Comrs., 146-584; Improvement Co. v. Comrs., 146-353; Comrs. v. Trust Co., 143-110; Fortune v. Comrs., 140-329; Comrs. v. Stafford, 138-453; Bray v. Williams, 137-390; Graves v. Comrs., 135-49; Brown v. Stewart, 134-357; Wilson v. Markley, 133-616; Debnam v. Chitty, 131-657; Hooker v. Greenville, 130-293; Cotton Mills v. Waxhaw, 130-293; Armstrong v. Stedman, 130-219; Comrs. v. DeRossett, 129-275; Black v. Comrs., 129-122; Glenn v. Wray, 126-730; Edgerton v. Water Co., 126-96; Smathers v. Comrs., 125-480; Slocumb v. Fayetteville, 125-362; Comrs. v. Payne, 123-486, 123-432; McGuire v. Williams, 123-349; Comrs. v. Call, 123-308; Charlotte v. Shepard, 122-602; Robinson v. Goldsboro, 122-211; Rodman v. Washington, 122-39; Mayo v. Comrs., 122-5; Comrs. v. Snuggs, 121-394; Bank v. Comrs., 119-214; Bank v. Comrs., 116-339; Jones v. Comrs., 107-265; Wood v. Oxford, 97-227; Galloway v. Jenkins, 68-147.

Entails.

SEC. 15. The General Assembly shall regulate entails in such a manner as to prevent perpetuities.

Const. 1868; Const. 1776, s. 43.

Journals.

SEC. 16. Each House shall keep a journal of its proceedings, which shall be printed and made public immediately after the adjournment of the General Assembly.

Const. 1868; Const. 1776, s. 46.

Wilson v. Markley, 133-616; Carr v. Coke, 116-234.

Protest.

SEC. 17. Any member of either House may dissent from and protest against any act or resolve which he may think injurious to the public, or any individual, and have the reason of his dissent entered on the journal.

Const. 1868; Const. 1776, s. 45.

Officers of the House.

SEC. 18. The House of Representatives shall choose their own Speaker and other officers.

Const. 1868; Const. 1776, s. 10.

Nichols v. McKee, 68-432.

President of the Senate.

SEC. 19. The Lieutenant-Governor shall preside in the Senate, but shall have no vote unless it may be equally divided.

Const. 1868.

Other Senatorial officers.

SEC. 20. The Senate shall choose its other officers and also a Speaker (*pro tempore*) in the absence of the Lieutenant-Governor, or when he shall exercise the office of Governor.

Const. 1868; Const. 1776, s. 10.

Nichols v. McKee, 68-432.

Style of the acts.

SEC. 21. The style of the acts shall be: "The General Assembly of North Carolina do enact."

Const. 1868.

State v. Patterson, 98-664.

Powers of the General Assembly.

SEC. 22. Each House shall be judge of the qualifications and election of its own members, shall sit upon its own adjournment

from day to day, prepare bills to be passed into laws; and the two Houses may also jointly adjourn to any future day or other place.

Const. 1868; Const. 1776, s. 10.

State v. Pharr, 179-699.

SEC. 23. All bills and resolutions of a legislative nature shall be read three times in each House before they pass into laws, and shall be signed by the presiding officers of both Houses. Bills and resolutions to be read three times, etc.

Const. 1868; Const. 1776, s. 11.

State v. Patterson, 134-620; Wilson v. Markley, 133-616; Cotton Mills v. Waxhaw, 130-293; Smathers v. Comrs., 125-486; Comrs. v. Snuggs, 121-400; Russell v. Ayer, 120-211; Bank v. Comrs., 119-222; Cook v. Mears, 116-592; Carr v. Coke, 116-234; Scarborough v. Robinson, 81-409.

SEC. 24. Each member of the General Assembly, before taking his seat, shall take an oath or affirmation that he will support the Constitution and the laws of the United States, and the Constitution of the State of North Carolina, and will faithfully discharge his duty as a member of the Senate or House of Representatives. Oath of members.

Const. 1868; Const. 1776, s. 12.

SEC. 25. The terms of office for Senators and members of the House of Representatives shall commence at the time of their election. Terms of office.

Const. 1868; Convention 1875.

Aderholt v. McKee, 65-259.

SEC. 26. Upon motion made and seconded in either House by one-fifth of the members present, the yeas and nays upon any question shall be taken and entered upon the journals. Yeas and nays.

Const. 1868.

SEC. 27. The election for members of the General Assembly shall be held for the respective districts and counties, at the places where they are now held, or may be directed hereafter to be held, in such manner as may be prescribed by law, on the first Thursday in August, in the year one thousand eight hundred and seventy, and every two years thereafter. But the General Assembly may change the time of holding the elections. Election for members of the General Assembly.

Const. 1868; Convention 1875.

Aderholt v. McKee, 65-259; Loftin v. Sowers, 65-251.

SEC. 28. The members of the General Assembly for the term for which they have been elected shall receive as a compensation for their services the sum of four dollars per day for each day of their session, for a period not exceeding sixty days; and should they remain longer in session they shall serve without compensation. They shall also be entitled to receive ten cents per mile, both while coming to the seat of government and while returning home, the said distance to be computed by the nearest line or route of public travel. The compensation of the presiding officers of the two Houses shall be six dollars per day and mileage. Should an extra session of the General Assembly be called, the members and presiding officers shall receive a like rate of compensation for a period not exceeding twenty days. Pay of members and officers of the General Assembly.

Convention 1875.

Kendall v. Stafford, 178-461; Bank v. Worth, 117-153. Extra session.

Limitations upon power of General Assembly to enact private or special legislation.

SEC. 29. The General Assembly shall not pass any local, private, or special act or resolution relating to the establishment of courts inferior to the Superior Court; relating to the appointment of justices of the peace; relating to health, sanitation, and the abatement of nuisances; changing the names of cities, towns and townships, authorizing the laying out, opening, altering, maintaining, or discontinuing of highways, streets, or alleys; relating to ferries or bridges; relating to nonnavigable streams; relating to cemeteries; relating to the pay of jurors; erecting new townships, or changing township lines, or establishing or changing the lines of school districts; remitting fines, penalties, and forfeitures, or refunding moneys legally paid into the public treasury; regulating labor, trade, mining or manufacturing; extending the time for the assessment or collection of taxes or otherwise relieving any collector of taxes from the due performance of his official duties or his sureties from liability; giving effect to informal wills and deeds; nor shall the General Assembly enact any such local, private or special act by the partial repeal of a general law, but the General Assembly may at any time repeal local, private, or special laws enacted by it. Any local, private or special act or resolution passed in violation of the provisions of this section shall be void. The General Assembly shall have power to pass general laws regulating matters set out in this section.

1915, c. 99. In effect Jan. 10, 1917. See *Reade v. Durham*, 173-668; *Mills v. Comrs.*, 175-215.

*Davis v. Lenoir County*, 178-668; *Comrs. v. Pruden*, 178-394; *Comrs. v. Trust Co.*, 178-170; *Martin County v. Trust Co.*, 178-26; *Parvin v. Comrs.*, 177-508; *Mills v. Comrs.*, 175-215; *Highway Com. v. Malone*, 178-685; *Richardson v. Comrs.*, 178-685; *Rankin v. Gaston County*, 178-688; *Reade v. Durham*, 173-668; *Brown v. Comrs.*, 178-598.

### ARTICLE III

#### EXECUTIVE DEPARTMENT

Officers of the Executive Department.

SECTION 1. The Executive Department shall consist of a Governor, in whom shall be vested the supreme executive power of the State, a Lieutenant-Governor, a Secretary of State, an Auditor, a Treasurer, a Superintendent of Public Instruction, and an Attorney-General, who shall be elected for a term of four years by the qualified electors of the State, at the same time and places and in the same manner as members of the General Assembly are elected. Their term of office shall commence on the first day of January next after their election, and continue until their successors are elected and qualified: *Provided*, that the officers first elected shall assume the duties of their office ten days after the approval of this Constitution by the Congress of the United States, and shall hold their offices four years from and after the first day of January.

Const. 1868; Convention 1835, art. II, s. 1.

*Wilson v. Jordan*, 124-719; *Rhyne v. Lipscombe*, 122-652; *Caldwell v. Wilson*, 121-476; *Winslow v. Morton*, 118-490; *Battle v. Melver*, 68-467; *Howerton v. Tate*, 68-546.

Terms of office.



SEC. 2. No person shall be eligible as Governor or Lieutenant-Governor unless he shall have attained the age of thirty years, shall have been a citizen of the United States five years, and shall have been a resident of this State for two years next before the election; nor shall the person elected to either of these two offices be eligible to the same office more than four years in any term of eight years, unless the office shall have been cast upon him as Lieutenant-Governor or President of the Senate.

Qualifications of Governor and Lieutenant-Governor.

Const. 1868; Const. 1776, s. 15.

SEC. 3. The return of every election for officers of the Executive Department shall be sealed up and transmitted to the seat of government by the returning officer, directed to the Speaker of the House of Representatives, who shall open and publish the same in the presence of a majority of the members of both Houses of the General Assembly. The persons having the highest number of votes respectively shall be declared duly elected; but if two or more be equal and highest in votes for the same office, then one of them shall be chosen by joint ballot of both Houses of the General Assembly. Contested elections shall be determined by a joint ballot of both Houses of the General Assembly in such manner as shall be prescribed by law.

Returns of elections.

Const. 1868; Convention 1835, art. II, ss. 3, 4.  
Winslow v. Morton, 118-486; O'Hara v. Powell, 80-108.

SEC. 4. The Governor, before entering upon the duties of his office, shall, in the presence of the members of both branches of the General Assembly, or before any Justice of the Supreme Court, take an oath or affirmation that he will support the Constitution and laws of the United States, and of the State of North Carolina, and that he will faithfully perform the duties appertaining to the office of Governor, to which he has been elected.

Oath of office for Governor.

Const. 1868; Convention 1835, art. II, s. 5.

SEC. 5. The Governor shall reside at the seat of government of this State, and he shall, from time to time, give the General Assembly information of the affairs of the State, and recommend to their consideration such measures as he shall deem expedient.

Duties of Governor.

Const. 1868.

SEC. 6. The Governor shall have power to grant reprieves, commutations and pardons, after conviction, for all offenses (except in cases of impeachment), upon such conditions as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. He shall biennially communicate to the General Assembly each case of reprieve, commutation or pardon granted, stating the names of each convict, the crime for which he was convicted, the sentence and its date, the date of commutation, pardon or reprieve, and the reasons therefor.

Reprieves, commutations and pardons.

Const. 1868; Const. 1776, s. 19.

In re Williams, 149-436; State v. Bowman, 145-452; Herring v. Pugh, 126-862; In re McMahon, 125-40; State v. Mathis, 109-815; State v. Cardwell, 95-643; State v. Alexander, 76-231; State v. Mooney, 74-98; State v. Blalock, 61-242.

Annual reports from officers of Executive Department and of public institutions.

SEC. 7. The officers of the Executive Department and of the public institutions of the State shall, at least five days previous to each regular session of the General Assembly, severally report to the Governor, who shall transmit such reports with his message to the General Assembly; and the Governor may, at any time, require information in writing from the officers in the Executive Department upon any subject relating to the duties of their respective offices, and shall take care that the laws be faithfully executed.

Const. 1868.

Arendell v. Worth, 125-122; Welker v. Bledsoe, 68-463; Nichols v. McKee, 68-435.

Commander-in-chief.

SEC. 8. The Governor shall be commander-in-chief of the militia of the State, except when they shall be called into the service of the United States.

Const. 1868; Const. 1776, s. 18.

Winslow v. Morton, 118-486.

Extra sessions of General Assembly.

SEC. 9. The Governor shall have power, on extraordinary occasions, by and with the advice of the Council of the State, to convene the General Assembly in extra session by his proclamation, stating therein the purpose or purposes for which they are thus convened.

Const. 1868.

Officers whose appointments are not otherwise provided for.

SEC. 10. The Governor shall nominate and, by and with the advice and consent of the majority of the Senators-elect, appoint all officers whose offices are established by this Constitution and whose appointments are not otherwise provided for.

Const. 1868; Convention 1875.

Salisbury v. Croom, 167-223; State v. Baskerville, 141-311; Day's Case, 124-366; Ewart v. Jones, 116-570; University v. McIver, 72-76; Cloud v. Wilson, 72-155; Battle v. McIver, 68-467; Nichols v. McKee, 68-429; Howerton v. Tate, 68-546; Rogers v. McGowan, 68-520; Badger v. Johnson, 68-471; Welker v. Bledsoe, 68-457; Clark v. Stanley, 66-59; State v. Pender, 66-317; Railroad v. Holden, 63-410.

Duties of the Lieutenant-Governor.

SEC. 11. The Lieutenant-Governor shall be President of the Senate, but shall have no vote unless the Senate be equally divided. He shall, whilst acting as President of the Senate, receive for his services the same pay which shall, for the same period, be allowed to the Speaker of the House of Representatives; and he shall receive no other compensation except when he is acting as Governor.

Const. 1868.

In case of impeachment of Governor, or vacancy caused by death or resignation.

SEC. 12. In case of the impeachment of the Governor, his failure to qualify, his absence from the State, his inability to discharge the duties of his office, or in case the office of Governor shall in any wise become vacant, the powers, duties and emoluments of the office shall devolve upon the Lieutenant-Governor until the disability shall cease or a new Governor shall be elected and qualified. In every case in which the Lieutenant-Governor shall be unable to preside over the Senate, the Senators shall elect



one of their own number President of their body; and the powers, duties and emoluments of the office of Governor shall devolve upon him whenever the Lieutenant-Governor shall, for any reason, be prevented from discharging the duties of such office as above provided, and he shall continue as acting Governor until the disabilities are removed, or a new Governor or Lieutenant-Governor shall be elected and qualified. Whenever, during the recess of the General Assembly, it shall become necessary for the President of the Senate to administer the government, the Secretary of State shall convene the Senate, that they may elect such President.

Const. 1868.

Rodwell v. Rowland, 137-626; Caldwell v. Wilson, 121-476.

SEC. 13. The respective duties of the Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, and Attorney-General shall be prescribed by law. If the office of any of said officers shall be vacated by death, resignation, or otherwise, it shall be the duty of the Governor to appoint another until the disability be removed or his successor be elected and qualified. Every such vacancy shall be filled by election at the first general election that occurs more than thirty days after the vacancy has taken place, and the person chosen shall hold the office for the remainder of the unexpired term fixed in the first section of this article.

Duties of other executive officers.

Const. 1868.

Rodwell v. Rowland, 137-626; Sneed v. Bullock, 80-135; Cloud v. Wilson, 72-163; Clark v. Stanley, 66-59; Nichols v. McKee, 68-429; Battle v. McIver, 68-404; Boner v. Adams, 65-639.

SEC. 14. The Secretary of State, Auditor, Treasurer, and Superintendent of Public Instruction shall constitute, *ex officio*, the Council of State, who shall advise the Governor in the execution of his office, and three of whom shall constitute a quorum. Their advice and proceedings in this capacity shall be entered in a journal to be kept for this purpose exclusively, and signed by the members present, from any part of which any member may enter his dissent; and such journal shall be placed before the General Assembly when called for by either House. The Attorney-General shall be, *ex officio*, the legal adviser of the Executive Department.

Const. 1868; Const. 1776, s. 16.

SEC. 15. The officers mentioned in this article shall, at stated periods, receive for their services a compensation to be established by law, which shall neither be increased nor diminished during the time for which they shall have been elected, and the said officers shall receive no other emolument or allowance whatever.

Const. 1868.

Compensation of executive officers.

SEC. 16. There shall be a seal of the State, which shall be kept by the Governor, and used by him as occasion may require, and shall be called "The Great Seal of the State of North Carolina."

Seal of State.

All grants and commissions shall be issued in the name and by the authority of the State of North Carolina, sealed with "The Great Seal of the State," signed by the Governor and countersigned by the Secretary of State.

Const. 1868; Const. 1776, ss. 17, 36.

Howell v. Hurley, 170-798; Richards v. Lumber Co., 158-54.

Department of  
Agriculture,  
Immigration and  
Statistics.

SEC. 17. The General Assembly shall establish a Department of Agriculture, Immigration and Statistics, under such regulations as may best promote the agricultural interest of the State, and shall enact laws for the adequate protection and encouragement of sheep husbandry.

Const. 1868; Convention 1875.

Cunningham v. Sprinkle, 124-638; Chemical Co. v. Board of Agriculture, 111-136.

## ARTICLE IV

### JUDICIAL DEPARTMENT

Abolishes the distinction between actions at law and suits in equity.

SECTION 1. The distinctions between actions at law and suits in equity, and the forms of all such actions and suits, shall be abolished; and there shall be in this State but one form of action for the enforcement or protection of private rights or the redress of private wrongs, which shall be denominated a civil action; and every action prosecuted by the people of the State as a party against a person charged with a public offense, for the punishment of the same, shall be termed a criminal action. Feigned issues shall also be abolished, and the fact at issue tried by order of court before a jury.

Feigned issues abolished.

Const. 1868.

Tillotson v. Currin, 176-479; Jerome v. Setzer, 175-391; Hardware Co. v. Lewis, 173-290; Makuen v. Elder, 170-510; Fowle v. McLean, 168-537; Wilson v. Ins. Co., 155-173; Hauser v. Morrison, 146-248; Levin v. Gladstein, 142-484; Turner v. McKee, 137-259; Stanton v. Webb, 137-38; Boles v. Caudle, 133-528; Parker v. Express Co., 132-131; Harrison v. Hargrove, 116-418; Peebles v. Gay, 115-41; Moore v. Beaman, 112-560; Hood v. Sudderth, 111-219; Markham v. Markham, 110-356; Conley v. R. R., 109-692; Vegelman v. Smith, 95-254; Lumber Co. v. Wallace, 93-25; Blake v. Askew, 76-326; Abrams v. Cureton, 74-526; Bitting v. Thaxton, 72-541; Tidline v. Hickerson, 72-421; Belmont v. Reilly, 71-262; Froelich v. Express Co., 67-4; Harkey v. Houston, 65-137; Tate v. Powe, 64-647; State v. McIntosh, 64-607; Mitchell v. Henderson, 63-640; State v. Baker, 63-276.

See, also, under C. S., section 399.

Division of judicial powers.

SEC. 2. The judicial power of the State shall be vested in a Court for the Trial of Impeachments, a Supreme Court, Superior Courts, Courts of Justices of the Peace, and such other courts inferior to the Supreme Court as may be established by law.

Const. 1868; Convention 1875.

State v. Burnett, 179-735; State v. Collins, 151-648; Hauser v. Morrison, 146-248; Ex parte McCown, 139-105; State v. Lytle, 138-741; State v. Baskerville, 141-313; Mott v. Comrs., 126-869; State v. Gallop, 126-933; Rhyne v. Lipscombe, 122-650; Caldwell v. Wilson, 121-476; McDonald v. Morrow, 119-670; Ewart v. Jones, 116-572; Express Co. v. R. R., 111-463; Wool v. Saunders, 108-739; State v. Weddington, 103-364; State v. Speaks, 95-689; State v. Spurtin, 80-363; State v. Cherry, 72-123; State v. Ketchey, 70-621; State v. Davis, 69-495; Rowark v. Gaston, 67-292; Froelich v. Express Co., 67-1; State v. Pender, 66-313; Wilmington v. Davis, 63-583; Edenton v. Wool, 65-379; Washington v. Hammons, 76-34; State v. Threadgill, 76-17; State v. Baker, 63-278; McAdoo v. Benbow, 63-461.

SEC. 3. The Court for the Trial of Impeachments shall be the Senate. A majority of the members shall be necessary to a quorum, and the judgment shall not extend beyond removal from and disqualification to hold office in this State; but the party shall be liable to indictment and punishment according to law.

Trial court of impeachment.

Const. 1868; Convention 1835, art. III, s. 1, cls. 2, 3.  
Caldwell v. Wilson, 121-476.

SEC. 4. The House of Representatives solely shall have the power of impeaching. No person shall be convicted without the concurrence of two-thirds of the Senators present. When the Governor is impeached, the Chief Justice shall preside.

Impeachment.

Const. 1868; Convention 1835, art. III, s. 1, cl. 3.

SEC. 5. Treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court. No conviction of treason or attainder shall work corruption of blood or forfeiture.

Treason against the State.

Const. 1868. See Const. U. S., art. III, s. 3.

SEC. 6. The Supreme Court shall consist of a Chief Justice and four Associate Justices.

Supreme Court justices.

Const. 1868; Convention 1875; 1887, c. 212.

SEC. 7. The terms of the Supreme Court shall be held in the city of Raleigh, as now, until otherwise provided by the General Assembly.

Terms of the Supreme Court.

Const. 1868; Convention 1875.  
State v. Marsh, 134-197.

SEC. 8. The Supreme Court shall have jurisdiction to review, upon appeal, any decision of the courts below, upon any matter of law or legal inference. And the jurisdiction of said court over "issues of facts" and "questions of facts" shall be the same exercised by it before the adoption of the Constitution of one thousand eight hundred and sixty-eight, and the court shall have the power to issue any remedial writs necessary to give it a general supervision and control over the proceedings of the inferior courts.

Jurisdiction of Supreme Court.

Convention 1875. See Const. 1868, art. IV, s. 10.

R. R. v. Cherokee Co., 177-86; Taylor v. Johnson, 171-84; State v. Tripp, 168-150; State v. Lee, 166-250; Page v. Page, 166-90; In re Wiggins, 165-457; Mott v. R. R., 164-367; Johnson v. R. R., 163-421; Pender v. Ins. Co., 163-98; Overman v. Lanier, 156-537; State v. Webb, 155-426; In re Holley, 154-163; Harvey v. R. R., 153-567; Stokes v. Cogdell, 153-181; In re Applicants for License, 143-1; Hollingsworth v. Skelding, 142-256; Slocumb v. Construction Co., 142-354; State v. Lilliston, 141-867; Brown v. Power Co., 140-348; Barker v. R. R., 137-222; State v. Marsh, 134-185; Mott v. Comrs., 126-869; Wilson v. Jordan, 124-719; State v. Hinson, 123-757; Harkins v. Cathey, 119-658; McDonald v. Morrow, 119-670; Carr v. Coke, 116-242; State v. Whitaker, 114-818; Express Co. v. R. R., 111-463; State v. Herndon, 107-934; Farrar v. Staton, 101-78; Rencher v. Anderson, 93-105; Railroad v. Warren, 92-620; Coates v. Wilkes, 92-381; Murrill v. Murrill, 90-120; Worthy v. Shields, 90-192; Young v. Rollins, 90-125; Wessell v. Rathjohn, 89-377; McMillan v. Baker, 85-291; Greensboro v. Scott, 84-184; Shields v. Whitaker, 82-516; Simmons v. Foscoe, 81-86; Jones v. Boyd, 80-258; State v. McGimsey, 80-383; Battle v. Mayo, 102-435; In re Schenck, 74-600; Keener v. Finger, 70-42; Long v. Holt, 68-53; Rush v. Steamboat Co., 68-74; Isler v. Brown, 67-175; State v. Jefferson, 66-309; Rogers v.

Goodwin, 64-279; McKimmon v. Faulk, 63-279; Biggs ex parte, 64-202; Heilig v. Stokes, 63-612; Foushee v. Patterson, 67-453; Perry v. Shepherd, 78-85; Graham v. Skinner, 67-94.  
See, also, C. S., section 1411.

Claims against  
the State.

SEC. 9. The Supreme Court shall have original jurisdiction to hear claims against the State, but its decisions shall be merely recommendatory; no process in the nature of execution shall issue thereon; they shall be reported to the next session of the General Assembly for its action.

Const. 1868.

Miller v. State, 134-272; Moody v. State Prison, 128-14; White v. Auditor, 126-598; Printing Co. v. Hoey, 124-795; Railroad v. Dortch, 124-675; Pate v. R. R., 122-878; Garner v. Worth, 122-250; Blount v. Simmons, 119-51; Burton v. Furman, 115-171; Cowles v. State, 115-173; Baltzer v. State, 109-187; 104-270; Martin v. Worth, 91-45; Clodfelter v. State, 86-51; Bain v. State, 86-49; Horne v. State, 82-382, 84-362; Sinclair v. State, 69-47; Bayne v. Jenkins, 66-358; Bledsoe v. State, 64-392; Reynolds v. State, 64-460; Rand v. State, 65-194; Battle v. Thompson, 65-408; Boner v. Adams, 65-644.

Judicial districts  
for Superior  
Courts.

SEC. 10. The State shall be divided into nine judicial districts, for each of which a judge shall be chosen; and there shall be held a Superior Court in each county at least twice in each year, to continue for such time in each county as may be prescribed by law. But the General Assembly may reduce or increase the number of districts.

Const. 1868; Convention 1875.

State v. Shuford, 128-588; Wilson v. Jordan, 124-705; Rhyne v. Lipscombe, 122-650; Ewart v. Jones, 116-578; State v. Spurtin, 80-363; State v. Taylor, 76-64; State v. Adair, 66-298.

Residence of  
judges, rotation  
in judicial dis-  
tricts, and special  
terms.

SEC. 11. Every judge of the Superior Court shall reside in the district for which he is elected. The judges shall preside in the courts of the different districts successively, but no judge shall hold the courts in the same districts oftener than once in four years; but in case of the protracted illness of the judge assigned to preside in any district, or of any other unavoidable accident to him, by reason of which he shall be unable to preside, the Governor may require any judge to hold one or more specified terms in said district, in lieu of the judge assigned to hold the courts of the said district; and the General Assembly may by general laws provide for the selection of special or emergency judges to hold the Superior Courts of any county or district, when the judge assigned thereto, by reason of sickness, disability, or other cause, is unable to attend and hold said court, and when no other judge is available to hold the same. Such special or emergency judges shall have the power and authority of regular judges of the Superior Courts, in the courts which they are so appointed to hold; and the General Assembly shall provide for their reasonable compensation.

Power to provide  
for special or  
emergency  
judges.

Power and au-  
thority of emer-  
gency judges.

Compensation.

Const. 1868; Convention 1875; 1915, c. 99. Last part of section, providing for "special or emergency judges," took effect Jan. 10, 1917. See Reade v. Durham, 173-668.

Watson v. R. R., 152-215; State v. Shuford, 128-588; Mott v. Comrs., 126-866; Rhyne v. Lipscombe, 122-650; State v. Turner, 119-841; McDonald v. Morrow, 119-670; Delafield v. Stafford, 114-239; State v. Lewis, 107-967; State v. Speaks, 95-689; State v. Bowman, 80-437; State v. McGimsey, 80-377; State v. Munroe, 80-373; State v. Watson, 75-136; State v. Ketchey, 70-622; Howes v. Mauney, 66-222; State v. Adair, 66-298; Myers v. Hamilton, 65-568.



SEC. 12. The General Assembly shall have no power to deprive the Judicial Department of any power or jurisdiction which rightfully pertains to it as a coördinate department of the Government; but the General Assembly shall allot and distribute that portion of this power and jurisdiction which does not pertain to the Supreme Court among the other courts prescribed in this Constitution or which may be established by law, in such manner as it may deem best; provide also a proper system of appeals, and regulate by law, when necessary, the methods of proceeding in the exercise of their powers of all the courts below the Supreme Court, so far as the same may be done without conflict with other provisions of this Constitution.

Jurisdiction of courts inferior to Supreme Court.

Convention 1875.

State v. Little, 175-743; Cole v. Sanders, 174-112; Jones v. Brinkley, 174-23; Corp. Com. v. R. R., 170-560; Oil Co. v. Grocery Co., 169-521; State v. Brown, 159-467; State v. Collins, 151-648; State v. Shine, 149-480; Lee v. Beard, 146-361; Duckworth v. Mull, 143-469; In re Applicants for License, 143-1; State v. Baskerville, 141-813; Settle v. Settle, 141-564; Corp. Com. v. R. R., 139-126; Ex parte McCown, 139-105; State v. Lytle, 138-741; State v. Lew, 133-666; Brinkley v. Smith, 130-225; In re Gorham, 129-490; State v. Brown, 127-564; Mott v. Comrs., 126-868; State v. Davis, 126-1007; State v. Battle, 126-1036; McCall v. Webb, 125-243; Wilson v. Jordan, 124-690; State v. Ray, 122-1098; Pate v. R. R., 122-877; Tate v. Comrs., 122-661; Rhyne v. Lipscombe, 122-650; Malloy v. Fayetteville, 122-480; Caldwell v. Wilson, 121-477; McDonald v. Morrow, 119-670; Springer v. Shavender, 118-42; Ewart v. Jones, 116-575; Express Co. v. R. R., 111-463; State v. Flowers, 109-841; In re Deaton, 105-62; State v. Moore, 104-751; Walker v. Scott, 102-487; State v. Powell, 97-417; Bynum v. Powe, 97-374; Freight Discrimination Cases, 95-435; Rencher v. Anderson, 93-105; Murrill v. Murrill, 90-120; Cheek v. Watson, 90-302; In re Oldham, 89-23; Simpson v. Jones, 82-324; State v. Munroe, 80-373; State v. Spurtin, 80-362; Walton v. Walton, 80-26; Bratton v. Davidson, 79-423; Washington v. Hammond, 76-35; State v. Upchurch, 72-33; State v. Burk, 73-266; Bryan v. Rouseau, 71-194; Credle v. Gills, 65-192; Wilmington v. Davis, 63-582; Donaldson v. Waldrop, 63-507.

SEC. 13. In all issues of fact, joined in any court, the parties may waive the right to have the same determined by a jury, in which case the finding of the judge upon the facts shall have the force and effect of a verdict by a jury.

In case of waiver of trial by jury.

Const. 1868.

Lumber Co. v. Lumber Co., 137-439; Wilson v. Featherstone, 120-447; Taylor v. Smith, 118-127; Driller Co. v. Worth, 117-518; Nissen v. Mining Co., 104-309; Battle v. Mayo, 102-434; Pasour v. Lineberger, 90-159; Keener v. Finger, 70-42; Armfield v. Brown, 70-29.

See, also, C. S., sections 568, 1502.

SEC. 14. The General Assembly shall provide for the establishment of special courts, for the trial of misdemeanors, in cities and towns where the same may be necessary.

Special courts in cities.

Const. 1868.

Oil Co. v. Grocery Co., 169-521; State v. Brown, 159-467; State v. Doster, 157-634; State v. Collins, 151-648; State v. Baskerville, 141-811; State v. Lytle, 138-741; Mott v. Comrs., 126-878; State v. Higgs, 126-1019; State v. Powell, 97-417; Washington v. Hammond, 76-34; State v. Ketchey, 70-622; State v. Pender, 66-318; State v. Walker, 65-462; Edenton v. Wool, 65-381; Wilmington v. Davis, 63-583.

SEC. 15. The clerk of the Supreme Court shall be appointed by the court, and shall hold his office for eight years.

Clerk of Supreme Court.

Const. 1868.

**Election of Superior Court clerk.**

SEC. 16. A clerk of the Superior Court for each county shall be elected by the qualified voters thereof, at the time and in the manner prescribed by law for the election of members of the General Assembly.

Const. 1868.

Rodwell v. Rowland, 137-620; White v. Murray, 126-157; Clarke v. Carpenter, 81-311; University v. McIver, 72-85.

**Term of office.**

SEC. 17. Clerks of the Superior Courts shall hold their offices for four years.

Const. 1868.

Rodwell v. Rowland, 137-620.

**Fees, salaries, and emoluments.**

SEC. 18. The General Assembly shall prescribe and regulate the fees, salaries and emoluments of all officers provided for in this article; but the salaries of the judges shall not be diminished during their continuance in office.

Const. 1868; Convention 1835, art. III, s. 2.

In re taxation of judges' salaries, 131-692; Mott v. Comrs., 126-869; In re Walker, 82-94; Buxton v. Comrs., 82-91; Bunting v. Gales, 77-451; King v. Hunter, 65-603.

**What laws are and shall be in force.**

SEC. 19. The laws of North Carolina, not repugnant to this Constitution or the Constitution and laws of the United States, shall be in force until lawfully altered.

Const. 1868.

State v. Baskerville, 141-811; Mott v. Comrs., 126-878; Ewart v. Jones, 116-577; State v. King, 69-422; State v. Hairston, 63-452; State v. Baker, 63-278; State v. Colbert, 75-368; Boyle v. New Berne, 64-664; State v. Underwood, 63-98; State v. Jarvis, 63-556.

**Disposition of actions at law and suits in equity, pending when this Constitution shall go into effect, etc.**

SEC. 20. Actions at law and suits in equity pending when this Constitution shall go into effect shall be transferred to the courts having jurisdiction thereof, without prejudice by reason of the change; and all such actions and suits commenced before, and pending at the adoption by the General Assembly of the rules of practice and procedure herein provided for, shall be heard and determined according to the practice now in use, unless otherwise provided for by said rules.

Const. 1868.

Lash v. Thomas, 86-316; Patton v. Shipman, 81-349; Sharpe v. Williams, 76-91; Baldwin v. York, 71-466; Green v. Moore, 66-425; Johnson v. Sedberry, 65-1; Foard v. Alexander, 64-71; Teague v. Jones, 63-91; Gaither v. Gibson, 63-93.

**Justices Supreme Court, election of.**

SEC. 21. The Justices of the Supreme Court shall be elected by the qualified voters of the State, as is provided for the election of members of the General Assembly. They shall hold their offices for eight years. The judges of the Superior Courts, elected at the first election under this amendment, shall be elected in like manner as is provided for Justices of the Supreme Court, and shall hold their offices for eight years. The General Assembly may, from time to time, provide by law that the judges of the Superior Courts, chosen at succeeding elections, instead of being



elected by the voters of the whole State, as is herein provided for, shall be elected by the voters of their respective districts.

Const. 1868; Convention 1875.

Rodwell v. Rowland, 137-626; Tate v. Comrs., 122-663; Appendix, 114-927; Hargrove v. Hilliard, 72-169; Cloud v. Wilson, 72-155; University v. McIver, 72-76; Loftin v. Sowers, 65-251.

SEC. 22. The Superior Courts shall be at all times open for the transaction of all business within their jurisdiction, except the trial of issues of fact requiring a jury. Transaction of business in the Superior Court.

Const. 1868.

Mott v. Comrs., 126-869; Delafield v. Construction Co., 115-21; Bynum v. Powe, 97-374; Comrs. v. Cook, 86-19; Harrell v. Peebles, 79-26; Hervey v. Edmunds, 68-243; Hunt v. Sneed, 64-180; Green v. Moore, 66-426; McAdoo v. Benbow, 63-463; Foard v. Alexander, 64-69.

SEC. 23. A solicitor shall be elected for each judicial district, by the qualified voters thereof, as is prescribed for members of the General Assembly, who shall hold office for the term of four years, and prosecute on behalf of the State, in all criminal actions in the Superior Courts, and advise the officers of justices in his district. Solicitors for each judicial district.

Const. 1868.

Rodwell v. Rowland, 137-626; Wilson v. Jordan, 124-690; Tate v. Comrs., 122-663.

SEC. 24. In each county a sheriff and a coroner shall be elected by the qualified voters thereof, as is prescribed for members of the General Assembly, and shall hold their offices for two years. In each township there shall be a constable elected in like manner by the voters thereof, who shall hold his office for two years. When there is no coroner in a county, the clerk of the Superior Court for the county may appoint one for special cases. In case of a vacancy existing for any cause in any of the offices created by this section, the commissioners of the county may appoint to such office for the unexpired term. Sheriffs and coroners.  
Constables.

Const. 1868; Const. 1776, s. 38.

Rodwell v. Rowland, 137-620; Rhyne v. Lipscombe, 122-650; State v. Sigman, 106-730; King v. McLure, 84-153; Worley v. Smith, 81-307; Wittkowsky v. Wasson, 69-38.

SEC. 25. All vacancies occurring in the offices provided for by this article of the Constitution shall be filled by the appointment of the Governor, unless otherwise provided for, and the appointees shall hold their places until the next regular election for members of the General Assembly, when elections shall be held to fill such offices. If any person, elected or appointed to any of said offices, shall neglect and fail to qualify, such offices shall be appointed to, held and filled as provided in case of vacancies occurring therein. All incumbents of said offices shall hold until their successors are qualified. Vacancies.

Const. 1868; Convention 1875.

State v. Baskerville, 141-811; Rodwell v. Rowland, 137-620; Ewart v. Jones, 116-570; Appendix, 114-927; State v. Lewis, 107-976; Gilmer v. Holton, 98-26; King v. McLure, 84-153; Worley v. Smith, 81-307; Buchanan v. Comrs., 80-126; Hargrove v. Hilliard, 72-169; Cloud v. Wilson, 72-155; Nichols v. McKee, 68-429.

Terms of office of  
first officers under  
this article.

SEC. 26. The officers elected at the first election held under this Constitution shall hold their offices for the terms prescribed for them respectively, next ensuing after the next regular election for members of the General Assembly. But their terms shall begin upon the approval of this Constitution by the Congress of the United States.

Const. 1868:

Opinion of Judges, 114-925; Aderholt v. McKee, 65-258; Loftin v. Sowers, 65-254.

Jurisdiction of  
justices of the  
peace.

SEC. 27. The several justices of the peace shall have jurisdiction, under such regulations as the General Assembly shall prescribe, of civil actions, founded on contracts, wherein the sum demanded shall not exceed two hundred dollars, and wherein the title to real estate shall not be in controversy; and of all criminal matters arising within their counties where the punishment cannot exceed a fine of fifty dollars or imprisonment for thirty days. And the General Assembly may give to justices of the peace jurisdiction of other civil actions wherein the value of the property in controversy does not exceed fifty dollars. When an issue of fact shall be joined before a justice, on demand of either party thereto he shall cause a jury of six men to be summoned, who shall try the same. The party against whom the judgment shall be rendered in any civil action may appeal to the Superior Court from the same. In all cases of criminal nature the party against whom the judgment is given may appeal to the Superior Court, where the matter shall be heard anew. In all cases brought before a justice he shall make a record of the proceedings and file the same with the clerk of the Superior Court for his county.

Const. 1868; Convention 1875.

Comrs. v. Sparks, 179-581; Jerome v. Setzer, 175-391; Oil Co. v. Grocery Co., 169-521; State v. Doster, 157-634; Wilson v. Ins. Co., 155-173; Riddle v. Milling Co., 150-689; Hauser v. Morrison, 146-248; State v. Bossee, 145-579; Duckworth v. Mull, 143-461; Brown v. Southerland, 142-614; State v. Baskerville, 141-811; State v. Lytle, 138-745; State v. Moore, 136-582; State v. Giles, 134-735, overruling State v. Ostwalt, 118-1209; Knight v. Taylor, 131-85; Cowell v. Gregory, 130-85; State v. Davis, 129-570; Mott v. Comrs., 126-869; State v. White, 125-674; State v. Ray, 122-1098; Rhyne v. Lipscombe, 122-650; Malloy v. Fayetteville, 122-480; State v. Addington, 121-540; McDonald v. Morrow, 119-674; Harkins v. Cathey, 119-665; State v. Nelson, 119-801; State v. Ivie, 118-1230; Alexander v. Gibbon, 118-805; Gambling v. Dickey, 118-986; State v. Wynne, 116-985; Williams v. Bowling, 111-295; Martin v. Goode, 111-289; Slocumb v. Shingle Co., 110-24; State v. Biggers, 108-762; Henderson v. Davis, 106-91; Durham v. Wilson, 104-598; Peck v. Culberson, 104-428; State v. Powell, 97-417, 86-640; Montague v. Mial, 89-137; Allen v. Jackson, 86-321; Morris v. Saunders, 85-140; Katzenstein v. R. R., 84-694; Boing v. R. R., 87-360; Hannah v. R. R., 87-351; Lutz v. Thompson, 87-334; Love v. Rhyne, 86-576; McLane v. Layton, 76-571; McAdoo v. Callum, 86-419; Coggins v. Harrell, 86-317; Brickell v. Bell, 84-85; Fisher v. Webb, 84-44; State v. Dudley, 83-661; State v. Jones, 83-659; Derr v. Stubbs, 83-559; State v. Moore, 82-659; Dalton v. Webster, 82-282; Murphy v. McNeill, 82-221; McDonald v. Cannon, 82-247; State v. Edney, 80-360; Evans v. Williamson, 79-86; State v. Styles, 76-156; Hever v. Beatty, 76-29; State v. Threadgill, 76-18; Nance v. R. R., 76-9; Pullen v. Green, 75-218; Hinton v. Davis, 75-18; Forsyth v. Bullock, 74-137; Hendrick v. Mayfield, 74-626; State v. Buck, 73-631; State v. Bailey, 73-70; Latham v. Rollins, 72-455; State v. Quick, 72-244; State v. Presly, 72-205; State v. Upchurch, 72-148; State v. Cherry, 72-123; State v. Perry, 71-523; Templeton v. Summers, 71-270; State v. Vermington, 71-263; Bryan v. Rosseau, 71-194; Bullinger v. Marshall, 71-520; Railroad v. Sharpe, 70-510; State v. Heidelberg, 70-496; State v. Yarbrough, 70-250; Fell v. Porter, 69-140; Caldwell v. Beatty, 69-364; Davis v. Baker, 67-388; Froelich v. Express Co., 67-1; State v. Pendleton, 65-618; State v. Deaton, 65-497; Edenton v. Wool, 65-379; Hedgecock v. Davis, 64-650; State

v. Johnson, 64-581; Wilmington v. Davis, 63-584; Winslow v. Weith, 66-432; Dulin v. Howard, 66-433; Froneburger v. Lee, 66-333; State v. Pender, 66-313; Credle v. Gibbs, 65-192; Rives v. Guthrie, 46-84.  
See, also, C. S., sections 1473, 1474, 1481.

SEC. 28. When the office of justice of the peace shall become vacant otherwise than by expiration of the term, and in case of a failure by the voters of any district to elect, the clerk of the Superior Court for the county shall appoint to fill the vacancy for the unexpired term.

Vacancies in  
office of justices.

Const. 1868.

Rodwell v. Rowland, 137-628; Gilmer v. Holton, 98-26; Cloud v. Wilson, 72-155.

SEC. 29. In case the office of clerk of a Superior Court for a county shall become vacant otherwise than by the expiration of the term, and in case of a failure by the people to elect, the judge of the Superior Court for the county shall appoint to fill the vacancy until an election can be regularly held.

Vacancies in  
office of Superior  
Court clerk.

Const. 1868.

Rodwell v. Rowland, 137-628; White v. Murray, 126-157; Williams v. Bowling, 111-295; Martin v. Goode, 111-289.

SEC. 30. In case the General Assembly shall establish other courts inferior to the Supreme Court, the presiding officers and clerks thereof shall be elected in such manner as the General Assembly may from time to time prescribe, and they shall hold their offices for a term not exceeding eight years.

Officers of other  
courts inferior to  
Supreme Court.

Convention 1875.

White v. Murray, 126-157; Ewart v. Jones, 116-572; State v. Weddington, 103-364.

SEC. 31. Any judge of the Supreme Court or of the Superior Courts, and the presiding officers of such courts inferior to the Supreme Court as may be established by law, may be removed from office for mental or physical inability, upon a concurrent resolution of two-thirds of both Houses of the General Assembly. The judge or presiding officer against whom the General Assembly may be about to proceed shall receive notice thereof, accompanied by a copy of the causes alleged for his removal, at least twenty days before the day on which either House of the General Assembly shall act thereon.

Removal of  
judges of the  
various courts for  
inability.

Convention 1875. See Convention 1835, art. III, s. 2, cl. 1.

SEC. 32. Any clerk of the Supreme Court or of the Superior Courts, or of such courts inferior to the Supreme Court as may be established by law, may be removed from office for mental or physical inability; the clerk of the Supreme Court by the judges of said court, the clerks of the Superior Courts by the judge riding the district, and the clerks of such courts inferior to the Supreme Court as may be established by law, by the presiding officers of said courts. The clerk against whom proceedings are instituted shall receive notice thereof, accompanied by a copy of the causes alleged for his removal, at least ten days before the

Removal of  
clerks of the  
various courts for  
inability.

day appointed to act thereon, and the clerk shall be entitled to an appeal to the next term of the Superior Court, and thence to the Supreme Court as provided in other cases of appeal.

Convention 1875.

Amendments not  
to vacate existing  
offices.

SEC. 33. The amendments made to the Constitution of North Carolina by this Convention shall not have the effect to vacate any office or term of office now existing under the Constitution of the State and filled or held by virtue of any election or appointment under the said Constitution and the laws of the State made in pursuance thereof.

Convention 1875.

State v. Moore, 136-581; Appendix, 114-928.

## ARTICLE V

### REVENUE AND TAXATION

Capitation tax.

SECTION 1. The General Assembly may levy a capitation tax on every male inhabitant of the State over twenty-one and under fifty years of age, which said tax shall not exceed two dollars, and cities and towns may levy a capitation tax which shall not exceed one dollar. No other capitation tax shall be levied. The commissioners of the several counties and of the cities and towns may exempt from the capitation tax any special cases on account of poverty or infirmity.

Exemptions.

Davis v. Lenoir, 178-668; R. R. v. Comrs., 178-449; Guire v. Comrs., 177-516; Parvin v. Comrs., 177-508; Wagstaff v. Central Highway Com., 177-354; R. R. v. Cherokee County, 177-186; Hill v. Lenoir County, 176-572; Bennett v. Comrs., 173-625; Ingram v. Johnson, 172-676; Moore v. Comrs., 172-419; Hargrave v. Comrs., 168-627; Kitchen v. Wood, 154-565; Bd. of Education v. Comrs., 150-116; Perry v. Comrs., 148-521; R. R. v. Comrs., 148-248; R. R. v. Comrs., 148-220; Collie v. Comrs., 145-172; State v. Wheeler, 141-774; Pace v. Raleigh, 140-67; Bd. of Ed. v. Comrs., 137-313; Wingate v. Parker, 136-369; State v. Ballard, 122-1026; Comrs. v. Snuggs, 121-409; Russell v. Ayer, 120-180; Williams v. Comrs., 119-520; Bd. of Ed. v. Comrs., 111-578, 107-112; Jones v. Comrs., 107-248; Redmond v. Comrs., 106-137; Parker v. Comrs., 104-168; Barksdale v. Comrs., 93-472; Cromartie v. Comrs., 87-139, 85-217; Clifton v. Wynne, 80-145; French v. Wilmington, 75-477; Griffin v. Comrs., 74-701; French v. Comrs., 74-692; Brown v. Comrs., 72-388; Mauney v. Comrs., 71-486; Brothers v. Comrs., 70-726; Street v. Comrs., 70-644; Johnson v. Comrs., 67-101; Sedberry v. Comrs., 66-486; University v. Holden, 63-410; R. R. v. Holden, 63-400; Gardner v. Hall, 61-21.

Application of  
proceeds of State  
and county capi-  
tation tax.

SEC. 2. The proceeds of the State and county capitation tax shall be applied to the purposes of education and the support of the poor, but in no one year shall more than twenty-five per cent thereof be appropriated to the latter purpose.

Const. 1868.

Wagstaff v. Central Highway Com., 177-354; Hill v. Lenoir County, 176-572; Moose v. Comrs., 172-419; Board of Ed. v. Comrs., 150-116; Perry v. Comrs., 148-521; R. R. v. Comrs., 148-248; Collie v. Comrs., 145-170; State v. Wheeler, 141-774; Crocker v. Moore, 140-432; Board of Ed. v. Comrs., 137-311; School Directors v. Comrs., 127-263; Bd. of Ed. v. Comrs., 118-379; Redmond v. Comrs., 106-137; Parker v. Comrs., 104-168; Durham v. Bostick, 72-353; Jacobs v. Smallwood, 63-112.

Taxation shall be  
by uniform rule  
and ad valorem.

SEC. 3. Laws shall be passed taxing, by a uniform rule, all moneys, credits, investments in bonds, stocks, joint-stock companies, or otherwise; and, also, all real and personal property according to its true value in money: *Provided*, notes, mortgages,

Exemptions.



and all other evidence of indebtedness given in good faith for the purchase price of a home, when said purchase price does not exceed three thousand dollars, and said notes, mortgages, and other evidence of indebtedness shall be made to run for not less than five nor more than twenty years, shall be exempt from taxation of every kind: *Provided*, that the interest carried by such notes and mortgages shall not exceed five and one-half per cent. The General Assembly may also tax trades, professions, franchises, and incomes: *Provided*, the rate of tax on incomes shall not in any case exceed six per cent (6%), and there shall be allowed the following exemptions, to be deducted from the amount of annual income, to wit: for a married man with a wife living with him, or to a widow or widower having minor child or children, natural or adopted, not less than \$2,000; to all other persons not less than \$1,000, and there may be allowed other deductions (not including living expenses) so that only net incomes are taxed.

Const. 1868; 1917, c. 119, adding provisos 1 and 2, making limited exception for purchase price of homes.

Brown v. Jackson, 179-363; Motor Corp. v. Flynt, 178-399; Bickett v. Tax Com., 177-433; Smith v. Wilkins, 164-135; State v. Bullock, 161-223; Comrs. v. Webb, 160-594; Dalton v. Brown, 159-175; State v. Williams, 158-610; Guano Co. v. Biddle, 158-212; Pullen v. Corp. Com., 152-548; Wolfenden v. Comrs., 152-83; State v. Danenburg, 151-718; Land Co. v. Smith, 151-70; R. R. v. New Bern, 147-165; Lumber Co. v. Smith, 146-198; Collie v. Comrs., 145-170; State v. Wheeler, 141-773; In re Morris Estate, 138-259; State v. Roberson, 136-587; Plymouth v. Cooper, 135-1; Lacy v. Packing Co., 134-567; Jackson v. Comrs., 130-387; State v. Hunt, 129-686; State v. Carter, 129-560; State v. Irvin, 126-989; State v. Sharp, 125-631; Collins v. Pettitt, 124-727; State v. Ballard, 122-1026; Cobb v. Comrs., 122-307; Hilliard v. Asheville, 118-845; Schaul v. Charlotte, 118-733; Rosenbaum v. New Bern, 118-83; State v. Worth, 116-1007; Loan Assn. v. Comrs., 115-410; State v. Moore, 113-697; State v. Georgia Co., 112-34; Wiley v. Comrs., 111-400; Raleigh v. Peace, 110-38; State v. Wessel, 109-735; State v. Stevenson, 109-733; State v. French, 109-722; Jones v. Comrs., 107-257; Redmond v. Comrs., 106-137; Puitt v. Comrs., 94-709; Holton v. Comrs., 93-430; Busbee v. Comrs., 93-143; Wilmington v. Macks, 86-91; Busbee v. Comrs., 83-143; Railroad v. Comrs., 91-454; Jones v. Arrington, 91-125; Cain v. Comrs., 86-8; Railroad v. Comrs., 84-504; Worth v. Comrs., 82-420; Worth v. Railroad, 89-301; Evans v. Comrs., 89-154; Belo v. Comrs., 82-415; Mowery v. Salisbury, 82-175; Hewlett v. Nutt, 79-263; Gatlin v. Tarboro, 78-119; Young v. Henderson, 76-420; Railroad v. Comrs., 75-477; French v. Wilmington, 75-477; Kyle v. Comrs., 75-445; Wilson v. Charlotte, 74-748; Rwy. Co. v. Wilmington, 72-73; R. R. v. Comrs., 72-10; Ruffin v. Comrs., 69-498; Lilly v. Comrs., 69-300; Pullen v. Comrs., 68-451; University v. Holden, 43-410.

SEC. 4. Until the bonds of the State shall be at par, the General Assembly shall have no power to contract any new debt or pecuniary obligation in behalf of the State, except to supply a casual deficit or for suppressing invasion or insurrection, unless it shall in the same bill levy a special tax to pay the interest annually. And the General Assembly shall have no power to give or lend the credit of the State in aid of any person, association or corporation, except to aid in the completion of such railroads as may be unfinished at the time of the adoption of this Constitution, or in which the State has a direct pecuniary interest, unless the subject be submitted to a direct vote of the people of the State, and be approved by a majority of those who shall vote thereon.

Restrictions upon the increase of the public debt, except in certain contingencies.

Const. 1868.

Comrs. v. State Treasurer, 174-141; Moran v. Comrs., 168-289; Comrs. v. Snuggs, 121-402; Mauney v. Comrs., 71-486; R. R. v. Jenkins, 65-173; University v. Holden, 63-410; Galloway v. R. R., 65-147.

Property exemp-  
tions from taxa-  
tion.

SEC. 5. Property belonging to the State, or to municipal corporations, shall be exempt from taxation. The General Assembly may exempt cemeteries and property held for educational, scientific, literary, charitable or religious purposes; also wearing apparel, arms for muster, household and kitchen furniture, the mechanical and agricultural implements of mechanics and farmers, libraries and scientific instruments, or any other personal property, to a value not exceeding three hundred dollars.

Const. 1868; 1872-3, c. 83.

Wagstaff v. Central Highway Com., 177-354; Leary v. Comrs., 172-25; Southern Assembly v. Palmer, 166-75; Davis v. Salisbury, 161-56; Comrs. v. Webb, 160-594; Corp. Com. v. Construction Co., 160-582; Bd. of Ed. v. Comrs., 137-314; United Brethren v. Comrs., 115-489; Loan Assn. v. Comrs., 115-410; State v. Stevenson, 109-730; R. R. v. Comrs., 75-474, 84-504.

Taxes levied for  
counties.

SEC. 6. The total of the State and county tax on property shall not exceed fifteen cents on the one hundred dollars value of property, except when the county property tax is levied for a special purpose and with the special approval of the General Assembly, which may be done by special or general act: *Provided*, this limitation shall not apply to taxes levied for the maintenance of the public schools of the State for the term required by article nine, section three, of the Constitution: *Provided further*, the State tax shall not exceed five cents on the one hundred dollars value of property.

Comrs. v. Spitzer, 179-436.

Acts levying  
taxes shall state  
objects, etc.

SEC. 7. Every act of the General Assembly levying a tax shall state the special object to which it is to be applied, and it shall be applied to no other purpose.

Const. 1868.

Parker v. Comrs., 178-92; Bd. of Ed. v. Comrs., 137-311; McCless v. Meekins, 117-34; Parker v. Comrs., 104-170; Clifton v. Wynne, 80-145; R. R. v. Holden, 63-410.

## ARTICLE VI

### SUFFRAGE AND ELIGIBILITY TO OFFICE

Qualifications of  
elector.

SECTION 1. Every male person born in the United States, and every male person who has been naturalized, twenty-one years of age, and possessing the qualifications set out in this article, shall be entitled to vote at any election by the people in the State, except as herein otherwise provided.

1899, c. 218; 1900, c. 2.

Woodall v. Highway Com., 176-377; Ingram v. Johnson, 172-676; State v. Knight, 169-333; Gill v. Comrs., 160-176; Pace v. Raleigh, 140-63; Clarke v. Statesville, 139-492; Quinn v. Lattimore, 120-428; In re Reid, 119-641; Harris v. Scarborough, 110-232; Hannon v. Grizzard, 89-115; State v. Jones, 82-685; Lee v. Dunn, 73-595; Van Bokkelen v. Canady, 73-198; Railroad v. Comrs., 72-486; University v. McIver, 72-76; Perry v. Whitaker, 71-475; Jacobs v. Smallwood, 63-112; Roberts v. Cannon, 20-256.

Qualifications of  
elector.

SEC. 2. He shall reside in the State of North Carolina for one year and in the precinct, ward or other election district in which he offers to vote, four months next preceding the election: *Provided*, that removal from one precinct, ward or other election district to



another in the same county shall not operate to deprive any person of the right to vote in the precinct, ward or other election district from which he has removed until four months after such removal. No person who has been convicted, or who has confessed his guilt in open court, upon indictment, of any crime the punishment of which now is or may hereafter be imprisonment in the State's Prison, shall be permitted to vote unless the said person shall be first restored to citizenship in the manner prescribed by law.

Convention 1875; 1899, c. 218; 1900, c. 2, s. 2.

State v. Windley, 178-670; Woodall v. Highway Com., 176-377; State v. Smith, 174-804; Watson v. R. R., 152-215; Cox v. Comrs., 146-584; Harris v. Scarborough, 110-232; Pace v. Raleigh, 140-68; Clarke v. Statesville, 139-492; Quinn v. Lattimore, 120-423; DeBerry v. Nicholson, 102-465; Van Bokkelen v. Canady, 73-198; Railroad v. Comrs., 72-486; Perry v. Whitaker, 71-475.

See, also, C. S., secs. 5936, 5937.

SEC. 3. Every person offering to vote shall be at the time a legally registered voter as herein prescribed and in the manner hereafter provided by law, and the General Assembly of North Carolina shall enact general registration laws to carry into effect the provisions of this article.

1899, c. 218; 1900, c. 2, s. 3.

Cox v. Comrs., 146-584; Pace v. Raleigh, 140-68; Harris v. Scarborough, 110-232.

SEC. 4. Every person presenting himself for registration shall be able to read and write any section of the Constitution in the English language. But no male person who was on January 1, 1867, or at any time prior thereto, entitled to vote under the laws of any State in the United States wherein he then resided, and no lineal descendant of any such person, shall be denied the right to register and vote at any election in this State by reason of his failure to possess the educational qualifications herein prescribed: *Provided*, he shall have registered in accordance with the terms of this section prior to December 1, 1908. The General Assembly shall provide for the registration of all persons entitled to vote without the educational qualifications herein prescribed, and shall, on or before November 1, 1908, provide for the making of a permanent record of such registration, and all persons so registered shall forever thereafter have the right to vote in all elections by the people in this State, unless disqualified under section 2 of this article.

Const. 1868; 1899, c. 218; 1900, c. 2, s. 4.

Ingram v. Johnson, 172-676; Moose v. Comrs., 172-419; State v. Knight, 169-333; Perry v. Comrs., 148-521; Cox v. Comrs., 146-584; Collie v. Comrs., 145-175; Pace v. Raleigh, 140-68; Clarke v. Statesville, 139-492; Harris v. Scarborough, 110-232; Hannon v. Grizzard, 89-115.

SEC. 5. That this amendment to the Constitution is presented and adopted as one indivisible plan for the regulation of the suffrage, with the intent and purpose to so connect the different parts and to make them so dependent upon each other that the whole shall stand or fall together.

1900, c. 2, s. 5.

SEC. 6. All elections by the people shall be by ballot, and all elections by the General Assembly shall be *viva voce*.

Const. 1868; 1899, c. 218.

Qualifications of elector.

General Assembly to provide registration laws.

Qualifications of elector to register and vote.

Registration of persons entitled to vote without educational qualification.

Permanent record.

Amendment indivisible.

Elections by people and General Assembly.

## Oath of office.

SEC. 7. Every voter in North Carolina, except as in this article disqualified, shall be eligible to office, but before entering upon the duties of the office he shall take and subscribe the following oath:

"I....., do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as.....: so help me, God."

1899, c. 218; 1900, c. 2, s. 7.

Cole v. Sanders, 174-112; State v. Knight, 169-333; State v. Bateman, 162-588.

## Disqualification for office.

SEC. 8. The following classes of persons shall be disqualified for office: *First*, all persons who shall deny the being of Almighty God. *Second*, all persons who shall have been convicted or confessed their guilt on indictment pending and whether sentenced or not, or under judgment suspended, of any treason or felony, or of any other crime for which the punishment may be imprisonment in the penitentiary, since becoming citizens of the United States, or of corruption or malpractice in office, unless such person shall be restored to the rights of citizenship in a manner prescribed by law.

1899, c. 218; 1900, c. 2, s. 8.

State v. Windley, 178-670; Bank v. Redwine, 171-559; State v. Knight, 169-333.

## When amendment to take effect.

SEC. 9. That this amendment to the Constitution shall go into effect on the first day of July, nineteen hundred and two, if a majority of votes cast at the next general election shall be cast in favor of this suffrage amendment.

1899, c. 218; 1900, c. 2, s. 9.

## ARTICLE VII

## MUNICIPAL CORPORATIONS

## County officers.

SECTION 1. In each county there shall be elected biennially by the qualified voters thereof, as provided for the election of members of the General Assembly, the following officers: A treasurer, register of deeds, surveyor, and five commissioners.

Const. 1868.

Rhodes v. Lewis, 80-136; Van Bokkelen v. Canady, 73-198; Aderholt v. McKee, 65-257.

## Duty of county commissioners.

SEC. 2. It shall be the duty of the commissioners to exercise a general supervision and control of the penal and charitable institutions, schools, roads, bridges, levying of taxes, and finances of the county, as may be prescribed by law. The register of deeds shall be *ex officio*, clerk of the board of commissioners.

Const. 1868.

Holmes v. Bullock, 178-376; Wilson v. Holding, 170-352; Comrs. v. Comrs., 165-632; Bunch v. Comrs., 159-335; Southern Audit Co. v. McKensie, 147-461; Crocker v. Moore, 140-433; In re Spease Ferry, 138-219; Barrington v. Ferry Co., 69-165; Canal Co. v. McAllister, 74-163; Lane v. Stanley, 65-156; R. R. v. Holden, 63-434.

See, also, C. S., secs. 1297, 1299, 1300.

SEC. 3. It shall be the duty of the commissioners first elected in each county to divide the same into convenient districts, to determine the boundaries and prescribe the name of the said districts, and to report the same to the General Assembly before the first day of January, 1869.

Const. 1868.

Road Com. v. Comrs., 178-61; Motor Co. v. Flynt, 178-399; Wittkowsky v. Comrs., 150-90; Wallace v. Trustees, 84-164; Gamble v. McCrady, 75-509; McNeill v. Green, 75-329; Tucker v. Raleigh, 75-267; Wilson v. Charlotte, 74-748; Canal Co. v. McAllister, 74-159; Grady v. Comrs., 74-101; Wade v. Comrs., 74-81; Bladen Co. v. Clarke, 73-255; Mitchell v. Trustees, 71-400; Barrington v. Ferry Co., 69-165; University v. Holden, 63-410; Gooch v. Gregory, 65-142; Lane v. Stanley, 65-153.

Counties to be divided into districts.

SEC. 4. Upon the approval of the reports provided for in the foregoing section by the General Assembly, the said districts shall have corporate powers for the necessary purposes of local government, and shall be known as townships.

Const. 1868.

Road Com. v. Comrs., 178-61; Motor Co. v. Flynt, 178-399; Mann v. Allen, 171-219; Jones v. New Bern, 152-64; Wittkowsky v. Comrs., 150-90; Crocker v. Moore, 140-429; Cotton Mills v. Waxhaw, 130-295; Brown v. Comrs., 100-92; Wallace v. Trustees, 84-164; Mitchell v. Trustees, 71-400; Payne v. Caldwell, 65-488; Lane v. Stanley, 65-153.

Said districts shall have corporate powers as townships.

SEC. 5. In each township there shall be biennially elected by the qualified voters thereof a clerk and two justices of the peace, who shall constitute a board of trustees and shall, under the supervision of the county commissioners, have control of the taxes and finances, roads and bridges of the townships, as may be prescribed by law. The General Assembly may provide for the election of a larger number of justices of the peace in cities and towns and in those townships in which cities and towns are situated. In every township there shall also be biennially elected a school committee, consisting of three persons, whose duties shall be prescribed by law.

Const. 1868.

Road Com. v. Comrs., 178-61; Wallace v. Trustees, 84-164; Simpson v. Comrs., 84-158; Mitchell v. Trustees, 71-400; Haughton v. Comrs., 70-466; Edenton v. Wool, 65-379; Conoley v. Harris, 64-662; Wilmington v. Davis, 63-582.

Officers of townships.

SEC. 6. The township board of trustees shall assess the taxable property of their townships and make return to the county commissioners for revision, as may be prescribed by law. The clerk shall be, *ex officio*, treasurer of the township.

Const. 1868.

R. R. v. Comrs., 178-449; Road Com. v. Comrs., 178-62; Guire v. Comrs., 177-516; Parvin v. Comrs., 177-508; Jones v. Comrs., 107-261; R. R. v. Comrs., 84-508; R. R. v. Comrs., 82-261; Cobb v. Elizabeth City, 75-1; R. R. v. Comrs., 72-12.

Trustees shall assess property.

SEC. 7. No county, city, town or other municipal corporation shall contract any debt, pledge its faith or loan its credit, nor shall any tax be levied or collected by any officers of the same, except for the necessary expenses thereof, unless by a vote of the majority of the qualified voters therein.

Const. 1868.

Comrs. v. Spitzer, 179-436; Davis v. Lenoir County, 178-668; Guire v. Comrs., 177-516; Parvin v. Comrs., 177-516; Hill v. Lenoir, 176-572; Williams v.

No debt or loan except by a majority of voters.

Comrs., 176-554; Woodall v. Highway Com., 176-377; Comrs. v. Boring, 175-105; Comrs. v. State Treasurer, 174-141; Comrs. v. Spitzer, 173-147; Cottrell v. Lenoir, 173-138; Archer v. Joyner, 173-75; Swindell v. Belhaven, 173-1; Stephens v. Charlotte, 172-564; Moose v. Comrs., 172-419; Keith v. Lockhart, 171-451; Kinston v. Trust Co., 169-207; Hargrave v. Comrs., 168-626; Moran v. Comrs., 168-289; Comrs. v. Comrs., 165-632; Sprague v. Comrs., 165-603; Withers v. Comrs., 163-341; Pritchard v. Comrs., 160-476; Russell v. Troy, 159-366; Winston v. Bank, 158-512; Tripp v. Comrs., 158-180; Ellis v. Trustees, 156-10; Board of Trustees v. Webb, 155-379; Sanderlin v. Luken, 152-738; Highway Com. v. Webb, 152-710; Underwood v. Asheboro, 152-641; Ellison v. Williamston, 152-147; Burgin v. Smith, 151-561; Hightower v. Raleigh, 150-569; Smith v. Belhaven, 150-156; Wittkowsky v. Comrs., 150-90; Hendersonville v. Jordan, 150-35; Wharton v. Greensboro, 149-62; Perry v. Comrs., 148-521; Hollowell v. Borden, 148-255; R. R. v. Comrs., 148-248; R. R. v. Comrs., 148-220; Comrs. v. McDonald, 148-125; Comrs. v. Webb, 148-120; McLeod v. Comrs., 148-77; Swinson v. Mount Olive, 147-611; Wharton v. Greensboro, 146-356; Collie v. Comrs., 145-178; Crocker v. Moore, 140-432; Greensboro v. Scott, 138-184; Smith v. Trustees, 141-151; Jones v. Comrs., 137-579; Wingate v. Parker, 136-369; Faucett v. Mount Airy, 134-1; Cotton Mills v. Waxhaw, 130-293; Black v. Comrs., 129-122; Broadfoot v. Fayetteville, 128-529; State v. Irvin, 126-992; Garsed v. Greensboro, 126-161; Edgerton v. Water Co., 126-93; Smathers v. Comrs., 125-488; Slocumb v. Fayetteville, 125-362; Bear v. Comrs., 124-204; Comrs. v. Payne, 123-432; Tate v. Comrs., 122-812; Charlotte v. Shepard, 122-602; Herring v. Dixon, 122-420; Rodman v. Washington, 122-39; Thrift v. Elizabeth City, 122-31; Mayo v. Comrs., 122-5; Comrs. v. Snugg, 121-403; Charlotte v. Shepard, 120-411; Williams v. Comrs., 119-520; Vaughn v. Comrs., 117-435; McCless v. Meekins, 117-34; R. R. v. Comrs., 116-563; Bank v. Comrs., 116-339; Bd. of Ed. v. Comrs., 113-379; Graded School v. Broadhurst, 109-228; R. R. v. Comrs., 109-159; Jones v. Comrs., 107-248; Parker v. Comrs., 104-168; Brown v. Comrs., 100-92; Riggsbee v. Durham, 99-341, 98-81; Gardner v. New Bern, 98-228; Wood v. Oxford, 97-227; McDowell v. Construction Co., 96-514; Markham v. Manning, 96-133; Duke v. Brown, 96-127; Southerland v. Goldsboro, 96-49; Halcombe v. Comrs., 89-346; Evans v. Comrs., 89-154; Shuford v. Comrs., 86-553; Norment v. Charlotte, 85-387; Simpson v. Comrs., 84-158; Gatlin v. Tarboro, 78-119; Young v. Henderson, 76-420; French v. Wilmington, 75-477; Kyle v. Comrs., 75-445; Tucker v. Raleigh, 75-267; Wilson v. Charlotte, 74-748; French v. Comrs., 74-692; Van Bokkelen v. Canady, 73-198; R. R. v. Comrs., 72-486; Trull v. Comrs., 72-388; Weinstein v. Comrs., 71-525; Reiger v. Comrs., 70-319; Payne v. Caldwell, 65-488; Lane v. Stanly, 65-153; Broadnax v. Groom, 64-244; Winslow v. Comrs., 64-218; University v. Holden, 63-410.  
See, also, C. S., secs. 1297, 2691.

Drawing of money.

SEC. 8. No money shall be drawn from any county or township treasury except by authority of law.

Const. 1868.

Faison v. Comrs., 171-411; Grady v. Comrs., 74-101.

Taxes to be ad valorem.

SEC. 9. All taxes levied by any county, city, town or township shall be uniform and *ad valorem* upon all property in the same, except property exempted by this Constitution.

Const. 1868.

Marshburn v. Jones, 176-516; Keith v. Lockhart, 171-451; Board of Trustees v. Webb, 155-379; Comrs. v. Webb, 160-594; Perry v. Comrs., 148-521; McLeod v. Comrs., 148-77; Smith v. Trustees, 141-151; Jones v. Comrs., 137-600; Wingate v. Parker, 136-369; Harper v. Comrs., 133-106; Winston v. Salem, 131-404; Ins. Co. v. Stedman, 130-223; State v. Irvin, 126-993; Hilliard v. Asheville, 118-345; Loan Asso. v. Comrs., 115-410; Wiley v. Comrs., 111-397; Raleigh v. Peace, 110-32; Redmond v. Comrs., 106-122; Jones v. Comrs., 106-122; Moore v. Comrs., 80-154; Young v. Henderson, 76-420; Cain v. Comrs., 86-15; Kyle v. Comrs., 75-447; Cobb v. Elizabeth City, 75-7; Wilson v. Charlotte, 74-754; Rwy. Co. v. Wilmington, 72-73; Grady v. Comrs., 74-101; Weinstein v. Comrs., 71-535; Pullen v. Raleigh, 68-451.  
See, also, C. S., sec. 2678.

When officers enter on duty.

SEC. 10. The county officers first elected under the provisions of this article shall enter upon their duties ten days after the approval of this Constitution by the Congress of the United States.

Const. 1868.

Governor to appoint justices.

SEC. 11. The Governor shall appoint a sufficient number of justices of the peace in each county, who shall hold their places



until sections four, five and six of this article shall have been carried into effect.

Const. 1868.

Nichols v. McKee, 68-429.

See, also, C. S., secs. 1462-1472.

SEC. 12. All charters, ordinances and provisions relating to municipal corporations shall remain in force until legally changed, unless inconsistent with the provisions of this Constitution.

Charters to remain in force until legally changed.

Const. 1868.

Ward v. Elizabeth City, 121-1; Dare Co. v. Currituck Co., 95-189.

SEC. 13. No county, city, town or other municipal corporation shall assume to pay, nor shall any tax be levied or collected for the payment of any debt, or the interest upon any debt, contracted directly or indirectly in aid or support of the rebellion.

Debts in aid of the rebellion not to be paid.

Const. 1868.

Board of Trustees v. Webb, 155-379; R. R. v. Comrs., 148-220; Smith v. School Trustees, 141-157; Jones v. Comrs., 137-600; Wingate v. Parker, 136-369; Brickell v. Comrs., 81-242; Weith v. Wilmington, 68-24; Poindexter v. Davis, 67-112; Davis v. Poindexter, 72-441; Lance v. Hunter, 72-178; Logan v. Plummer, 70-388; Rand v. State, 65-194; Setzer v. Comrs., 64-516; Winslow v. Comrs., 64-218; Leak v. Comrs., 64-132.

SEC. 14. The General Assembly shall have full power by statute to modify, change or abrogate any and all of the provisions of this article and substitute others in their place, except sections seven, nine, and thirteen.

Powers of General Assembly over municipal corporations.

Convention 1875.

Motor Co. v. Flynt, 178-399; Road Com. v. Comrs., 178-61; Cole v. Sanders, 174-112; Mann v. Allen, 171-219; Comrs. v. Comrs., 165-632; Bunch v. Comrs., 159-335; Board of Trustees v. Webb, 155-379; Southern Audit Co. v. McKenzie, 147-461; Smith v. School Trustees, 141-157; Crocker v. Moore, 140-433; Jones v. Comrs., 137-600; Wingate v. Parker, 136-369; In re Spease Ferry, 138-220; Gattis v. Griffin, 125-334; Harris v. Wright, 121-172; Bd. of Ed. v. Comrs., 111-578; Sneed v. Bullock, 80-132; Jones v. Jones, 80-127.

## ARTICLE VIII

### CORPORATIONS OTHER THAN MUNICIPAL

SECTION 1. No corporation shall be created nor shall its charter be extended, altered, or amended by special act, except corporations for charitable, educational, penal, or reformatory purposes that are to be and remain under the patronage and control of the State; but the General Assembly shall provide by general laws for the chartering and organization of all corporations and for amending, extending, and forfeiture of all charters, except those above permitted by special act. All such general laws and special acts may be altered from time to time or repealed; and the General Assembly may at any time by special act repeal the charter of any corporation.

Restriction of legislative powers as to corporations.

General laws for organization of corporations.

Alteration or repeal of general or special acts. Special acts for repeal of charters.

1915, c. 99. In effect Jan. 10, 1917; see Reade v. Durham, 173-668; Mills v. Comrs., 175-215; Woodall v. Highway Com., 176-377.

Mills v. Comrs., 175-215; Board of Education v. Comrs., 174-47; Staggs v. Land Co., 171-583; Mann v. Allen, 171-219; R. R. v. Oates, 164-167; Reid v. R. R., 162-355; Power Co. v. Whitney Co., 150-31; State v. Cantwell, 142-614; Coleman v. R. R., 138-354; Debnam v. Tel. Co., 126-843; Gattis v. Griffin, 125-334; Railroad v. Dortch, 124-673; Griffin v. Water Co., 122-210; Ward v. Elizabeth City, 121-1; Wilson v. Leary, 120-92; Winslow v. Morton, 118-486;



Hanstein v. Johnson, 112-253; R. R. v. Comrs., 108-60; McGowan v. Railroad, 95-417; R. R. v. Rollins, 82-523; State v. Jones, 67-210; Clark v. Stanley, 66-59; R. R. v. Reid, 64-226, 155; State v. Matthews, 56-451; State v. Petway, 55-396.

Debts of corporations, how secured.

SEC. 2. Dues from corporations shall be secured by such individual liabilities of the corporations and other means as may be prescribed by law.

Const. 1868.

Reade v. Durham, 173-668; Van Bokkelen v. Canady, 73-198.

What corporations shall include.

SEC. 3. The term corporation, as used in this article, shall be construed to include all associations and joint-stock companies having any of the powers and privileges of corporations not possessed by individuals or partnerships. And all corporations shall have the right to sue and shall be subject to be sued in all courts in like cases as natural persons.

Const. 1868.

Baker v. R. R., 137-223; Hanstein v. Johnson, 112-253.

General laws for organization and government of municipalities.

SEC. 4. It shall be the duty of the Legislature to provide by general laws for the organization of cities, towns, and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent abuses in assessment and in contracting debts by such municipal corporations.

Const. 1868; 1915, c. 99, which added "by general laws" after "to provide" and before "for the organization," and changed "assessments" to "assessment" after "abuses in" and before "and." In effect Jan. 10, 1917, see under sec. 1 of this article.

Taylor v. Greensboro, 175-423; Mills v. Comrs., 175-215; Reade v. Durham, 173-668; Bramham v. Durham, 171-196; Winston v. Bank, 158-512; Murphy v. Webb, 156-402; Ellison v. Williams, 152-147; Bradshaw v. High Point, 151-517; Perry v. Comrs., 148-521; Cox v. Comrs., 146-584; Wingate v. Parker, 136-369; Robinson v. Goldsboro, 135-382; Brockenbrough v. Comrs., 134-17; Wadsworth v. Concord, 133-587; State v. Green, 126-1032; Cotton Mills v. Waxhaw, 130-293; State v. Irvin, 126-993; Hutton v. Webb, 124-749; Rosenbaum v. New Bern, 118-84; Railway v. Railway, 114-725; Raleigh v. Peace, 110-32; Jones v. Comrs., 107-263; Gatlin v. Tarboro, 78-119; French v. Wilmington, 75-477; Tucker v. Raleigh, 75-267; Wilson v. Charlotte, 74-748; Van Bokkelen v. Canady, 73-198; Pullen v. Raleigh, 68-451; Dellinger v. Twenn, 66-206.

## ARTICLE IX

### EDUCATION

Education shall be encouraged.

SECTION 1. Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

Const. 1868; Const. 1776, s. 41.

Bd. of Ed. v. Comrs., 178-305; Bd. of Ed. v. Comrs., 174-469; Comrs. v. Bd. of Ed., 163-404; Corp. Com. v. Construction Co., 160-582; Collie v. Comrs., 145-170; Green v. Owen, 125-223; Bd. of Ed. v. Comrs., 111-582; Lane v. Stanley, 65-153; Barksdale v. Comrs., 93-472.

General Assembly shall provide for schools.

SEC. 2. The General Assembly at its first session under this Constitution shall provide by taxation and otherwise for a general and uniform system of public schools, wherein tuition shall be free of charge to all the children of the State between the ages of six and twenty-one years. And the children of the white race

Separation of the races.

and the children of the colored race shall be taught in separate public schools; but there shall be no discrimination in favor of or to the prejudice of either race.

Const. 1868; Convention 1875.

Bd. of Ed. v. Comrs., 178-305; Bd. of Ed. v. Comrs., 174-469; Moose v. Comrs., 172-419; School Comrs. v. Bd. of Ed., 169-196; Johnson v. Bd. of Ed., 166-468; Comrs. v. Bd. of Ed., 163-404; Williams v. Bradford, 158-36; Bonitz v. School Trustees, 154-375; State v. Wolf, 145-440; Collie v. Comrs., 145-178; Lowery v. School Trustees, 140-39; Bd. of Ed. v. Comrs., 137-314; Hooker v. Greenville, 130-474; Bear v. Comrs., 124-213; Bd. of Ed. v. State Board, 114-313; Bd. of Ed. v. Comrs., 111-578; Markham v. Manning, 96-132; Puitt v. Comrs., 94-709; Riggsbee v. Durham, 94-800; R. R. v. Holden, 63-436.

SEC. 3. Each county of the State shall be divided into a convenient number of districts, in which one or more public schools shall be maintained at least six months in every year; and if the commissioners of any county shall fail to comply with the afore-said requirements of this section they shall be liable to indictment.

Counties to be divided into districts.

Const. 1868; 1917, c. 192, inserting "six months" for "four months" for annual school term.

Bd. of Ed. v. Comrs., 178-305; Hill v. Lenoir County, 176-572; Bd. of Ed. v. Comrs., 174-469; Bennett v. Comrs., 173-625; Bd. of Ed. v. Comrs., 150-116; R. R. v. Comrs., 148-220; Collie v. Comrs., 145-172; Bd. of Ed. v. Comrs., 111-578, 113-379; Barksdale v. Comrs., 93-172.

SEC. 4. The proceeds of all lands that have been or hereafter may be granted by the United States to this State and not otherwise appropriated by this State or the United States, also all moneys, stocks, bonds and other property now belonging to any State fund for purposes of education, also the net proceeds of all sales of the swamp lands belonging to the State, and all other grants, gifts or devises that have been or hereafter may be made to the State and not otherwise appropriated by the State or by the terms of the grant, gift or devise, shall be paid into the State Treasury, and, together with so much of the ordinary revenue of the State as may be by law set apart for that purpose, shall be faithfully appropriated for establishing and maintaining in this State a system of free public schools, and for no other uses or purposes whatsoever.

What property shall be devoted to educational purposes.

Const. 1868; Convention 1875.

Collie v. Comrs., 145-186; Bear v. Comrs., 124-212; McDonald v. Morrow, 119-674; Sutton v. Phillips, 116-434; Bd. of Ed. v. Comrs., 111-578; University v. Holden, 63-410.

See, also, C. S., sec. 3480.

SEC. 5. All moneys, stocks, bonds and other property belonging to a county school fund, also the net proceeds from the sale of estrays, also the clear proceeds of all penalties and forfeitures and of all fines collected in the several counties for any breach of the penal or military laws of the State, and all moneys which shall be paid by persons as an equivalent for exemption from military duty, shall belong to and remain in the several counties, and shall be faithfully appropriated for establishing and maintaining free public schools in the several counties of this State:

County school fund.

Proviso.

*Provided*, that the amount collected in each county shall be annually reported to the Superintendent of Public Instruction.

Const. 1868; Convention 1875.

In *re* Wiggins, 171-372; *Collie v. Comrs.*, 145-178; *State v. Maulsby*, 139-584; *School Directors v. Asheville*, 137-507; *Bearden v. Fullam*, 129-479; *School Directors v. Asheville*, 128-249; *Bd. of Ed. v. Henderson*, 126-689; *Carter v. R. R.*, 126-437; *Godwin v. Fertilizer Works*, 119-120; *Sutton v. Phillips*, 116-502; *Burrell v. Hughes*, 116-434; *Bd. of Ed. v. Comrs.*, 111-578; *Hodge v. R. R.*, 108-25; *Katzenstein v. R. R.*, 84-688; *University v. McIver*, 72-76.

Election of trustees and provisions for maintenance of the university.

SEC. 6. The General Assembly shall have power to provide for the election of trustees of the University of North Carolina, in whom, when chosen, shall be vested all the privileges, rights, franchises and endowments thereof in any wise granted to or conferred upon the trustees of said University, and the General Assembly may make such provisions, laws and regulations from time to time as may be necessary and expedient for the maintenance and management of said University.

1872-3, c. 86. See Const. 1776, sec. 41.

*Finger v. Hunter*, 130-529; *Brewer v. University*, 110-26; *University v. R. R.*, 76-103; *University v. McIver*, 72-76.

Benefits of the university.

SEC. 7. The General Assembly shall provide that the benefits of the University, as far as practicable, be extended to the youth of the State free of expense for tuition; also that all the property which has heretofore accrued to the State or shall hereafter accrue from escheats, unclaimed dividends or distributive shares of the estates of deceased persons shall be appropriated to the use of the University.

Const. 1868.

*University v. R. R.*, 76-103; *University v. Maulsby*, 43-257.

Board of education.

SEC. 8. The Governor, Lieutenant-Governor, Secretary of State, Treasurer, Auditor, Superintendent of Public Instruction, and Attorney-General shall constitute a State Board of Education.

Const. 1868.

President and secretary.

SEC. 9. The Governor shall be president and the Superintendent of Public Instruction shall be secretary of the Board of Education.

Const. 1868.

Powers of board.

SEC. 10. The Board of Education shall succeed to all the powers and trusts of the president and directors of the Literary Fund of North Carolina, and shall have full power to legislate and make all needful rules and regulations in relation to free public schools and the educational fund of the State; but all acts, rules and regulations of said board may be altered, amended or repealed by the General Assembly, and when so altered, amended or repealed, they shall not be reenacted by the board.

Const. 1868.

*Board v. Makely*, 139-34; *Dosh v. Lumber Co.*, 128-85; *Bd. of Ed. v. State Board*, 114-317.

First session of board.

SEC. 11. The first session of the Board of Education shall be held at the capital of the State within fifteen days after the

organization of the State Government under this Constitution; the time of the future meetings may be determined by the board.

Const. 1868.

SEC. 12. A majority of the board shall constitute a quorum for Quorum. the transaction of business.

Const. 1868.

SEC. 13. The contingent expenses of the board shall be pro- Expenses. vided by the General Assembly.

Const. 1868.

Ewart v. Jones, 116-578.

SEC. 14. As soon as practicable after the adoption of this Con- Agricultural  
stitution the General Assembly shall establish and maintain in department.  
connection with the University a department of agriculture, of  
mechanics, of mining, and of normal instruction.

Const. 1868.

Chemical Co v. Board of Agriculture, 111-136.

SEC. 15. The General Assembly is hereby empowered to enact Children must  
that every child of sufficient mental and physical ability shall attend school.  
attend the public schools during the period between the ages of  
six and eighteen years for a term of not less than sixteen months,  
unless educated by other means.

Const. 1868.

State v. Wolf, 145-440; Bear v. Comrs., 124-212.

## ARTICLE X

### HOMESTEADS AND EXEMPTIONS

SECTION 1. The personal property of any resident of this State, Exemptions.  
to the value of five hundred dollars, to be selected by such resi-  
dent, shall be and is hereby exempted from sale under execution  
or other final process of any court issued for the collection of any  
debt.

Const. 1868.

Befarrah v. Spell, 178-231; Grocery Co. v. Bails, 177-298; Gardner v. McCon-  
naughey, 157-481; Cromer v. Self, 149-164; McKeithen v. Blue, 142-352; Lynn  
v. Cotton Mills, 130-621; Chitty v. Chitty, 118-647; Lockhart v. Bear, 117-301;  
Jones v. Alsbrook, 115-49; Wilmington v. Sprunt, 114-310; Dickens v. Long,  
109-165; Shepherd v. Murrill, 90-208; Slaughter v. Winfrey, 85-159; Smith v.  
McMillan, 84-583; Durham v. Speake, 82-87; Gheen v. Summey, 80-187; Gamble  
v. Rhyne, 80-183; Earle v. Hardie, 80-177; Richardson v. Wicker, 80-172; Welch  
v. Macy, 78-240; Pemberton v. McRae, 75-497; Vann v. B. & L. Assn., 75-494;  
Gaster v. Hardie, 75-460; Comrs. v. Riley, 75-144; Curlee v. Thomas, 74-51;  
Duvall v. Rollins, 71-213; Garrett v. Cheshire, 69-396; Burns v. Harris, 67-140,  
66-509; Dellinger v. Tweed, 66-206; Watts v. Leggett, 66-197; Johnson v. Cross,  
66-167; Horton v. McCall, 66-159; McKeithan v. Terry, 64-25; Hill v. Kessler,  
63-437; Dean v. King, 35-20.

See, also, C. S., sec. 728.

SEC. 2. Every homestead, and the dwellings and buildings used Homestead.  
therewith, not exceeding in value one thousand dollars, to be  
selected by the owner thereof, or in lieu thereof, at the option  
of the owner, any lot in a city, town or village, with the dwelling  
and buildings used thereon, owned and occupied by any resident of  
this State, and not exceeding the value of one thousand dollars,



shall be exempt from sale under execution or other final process obtained on any debt. But no property shall be exempt from sale for taxes or for payment of obligations contracted for the purchase of said premises.

Const. 1868.

Kirkwood v. Peden, 173-460; Sash Co. v. Parker, 153-130; Simmons v. Respass, 151-5; Carpenter v. Duke, 144-291; McKeithen v. Blue, 142-352; Smith v. Bruton, 137-79; Vann v. Edwards, 135-661; Joyner v. Sugg, 132-580; Cawfield v. Owens, 129-286, 130-643; Lynn v. Cotton Mills, 130-621; Finger v. Hunter, 130-529; Watts ex parte, 130-237; Vann v. Edwards, 128-428; Coffin v. Smith, 128-255; Tiddy v. Graves, 126-620, 127-503; Toms v. Flack, 127-423; Brinkley v. Ballance, 126-396; McLamb v. McPhail, 126-618; Jennings v. Hinton, 126-48; Walton v. Bristol, 125-419; Weathers v. Borders, 124-615; Slocumb v. Ray, 123-571; Moore v. Wolf, 122-716; McGowan v. McGowan, 122-168; Campbell v. Potts, 119-533; Chitty v. Chitty, 118-647; Springer v. Colwell, 116-520; Jones v. Alsbrook, 115-52; Gardner v. Batts, 114-496; Fulton v. Roberts, 113-421; Vanstory v. Thornton, 112-196; Lovick v. Life Assn., 110-93; Tucker v. Tucker, 110-333; Vanstory v. Thornton, 110-10; Dickens v. Long, 109-169; Tucker v. Tucker, 108-237; Long v. Walker, 105-116; Ducker v. Wilson, 104-595; Hardy v. Carr, 104-33; Peck v. Culberson, 104-425; Hughes v. Hodges, 102-252; Jones v. Britton, 102-168; Lee v. Moseley, 101-311; Miller v. Miller, 89-402; Mebane v. Layton, 89-395; Campbell v. White, 95-491; Toms v. Fite, 93-274; Wilson v. Patton, 87-318; Butler v. Stainback, 87-216; Burton v. Spiers, 87-87; Cumming v. Bloodworth, 87-83; Murchison v. Plyler, 87-79; Gill v. Edwards, 87-76; Gregory v. Ellis, 86-579; Grant v. Edwards, 86-513; McDonald v. Dickson, 85-248; Wyche v. Wyche, 85-96; Smith v. High, 85-93; Gamble v. Watterson, 83-573; Watkins v. Overby, 83-165; Adrian v. Shaw, 82-474; Murphy v. McNeill, 82-221; Bruce v. Strickland, 81-267; Gheen v. Summey, 80-169; Richardson v. Wicker, 80-172; Wharton v. Leggett, 80-169; Suit v. Suit, 78-272; Bank v. Green, 78-247; Spoon v. Reid, 78-244; Bunting v. Jones, 78-242; Welch v. Macy, 78-240; Littlejohn v. Egerton, 77-379; Pemberton v. McRae, 75-497; Edwards v. Kearsey, 75-411; Comrs. v. Riley, 75-144; Brodie v. Batchelor, 75-51; Whitaker v. Elliott, 73-186; Abbott v. Cromartie, 72-292; Branch ex parte, 72-106; McAfee v. Bettis, 72-28; Mayhe v. Cotton, 69-289; Hagar v. Nixon, 69-108; Crummen v. Bennett, 68-494; Cheatham v. Jones, 68-153; Martin v. Hughes, 67-293; Dellinger v. Tweed, 66-206; Watts v. Leggett, 66-197; Ladd v. Adams, 66-164; Poe v. Hardie, 65-447; Lute v. Reilly, 65-20; Sluder v. Rogers, 64-289; McKeithen v. Terry, 64-25.

See, also, C. S., sec. 728.

Homestead  
exempted from  
debt.

SEC. 3. The homestead, after the death of the owner thereof, shall be exempt from the payment of any debt during the minority of his children or any of them.

Const. 1868.

Simmons v. Respass, 151-5; Joyner v. Sugg, 132-580; Jackson v. Comrs., 130-387; Spence v. Goodman, 128-273; Bruton v. McRae, 125-201; Chitty v. Chitty, 118-647; Stern v. Lee, 115-430; Duckers v. Long, 112-317; Vanstory v. Thornton, 112-218; Hughes v. Hodges, 102-252; Jones v. Britton, 102-168; Saylor v. Powell, 90-202; Gregory v. Ellis, 86-579; Gamble v. Watterson, 83-573; Simpson v. Wallace, 83-477; Wharton v. Leggett, 80-169; Welch v. Macy, 78-240; Beavan v. Speed, 74-544; Allen v. Shields, 72-504; Hagar v. Nixon, 69-108; Poe v. Hardie, 65-447; Hill v. Kessler, 63-437.

Laborer's lien.

SEC. 4. The provisions of sections one and two of this article shall not be construed as to prevent a laborer's lien for work done and performed for the person claiming such exemption, or a mechanic's lien for work done on the premises.

Const. 1868.

Isler v. Dixon, 140-530; Vann v. Edwards, 128-425; Broyhill v. Gaither, 119-443; Paper Co. v. Chronicle, 115-146; McMillan v. Williams, 109-252; Cumming v. Bloodworth, 87-83.

Benefit of widow.

SEC. 5. If the owner of a homestead die, leaving a widow but no children, the same shall be exempt from the debts of her husband, and the rents and profits thereof shall inure to her benefit during her widowhood, unless she be the owner of a homestead in her own right.

Const. 1868.

Caudle v. Morris, 160-168; Thomas v. Bunch, 158-175; Fulp v. Brown, 153-531; Simmons v. Respass, 151-5; Joyner v. Suggs, 132-580; Spence v. Goodwin, 128-277; Campbell v. Potts, 119-532; Vanstory v. Thornton, 112-218; Tucker v.



Tucker, 108-237; Hughes v. Hodges, 102-252; Jones v. Britton, 102-168; Saylor v. Powell, 90-202; Simpson v. Wallace, 83-477; Richardson v. Wicker, 80-172; Wharton v. Leggett, 80-169; Beavan v. Speed, 74-544; Hagar v. Nixon, 69-108; Watts v. Leggett, 66-197; Johnson v. Cross, 66-167; Poe v. Hardie, 65-447.

See, also, C. S., sec. 748.

SEC. 6. The real and personal property of any female in this State acquired before marriage, and all property, real and personal, to which she may, after marriage, become in any manner entitled, shall be and remain the sole and separate estate and property of such female, and shall not be liable for any debts, obligations or engagements of her husband, and may be devised and bequeathed, and, with the written assent of her husband, conveyed by her as if she were unmarried.

Property of a married female secured to her.

Const. 1868.

Sills v. Bethae, 178-315; Lancaster v. Lancaster, 178-22; Deese v. Deese, 176-527; Freeman v. Lide, 176-434; Stallings v. Walker, 176-321; Gooch v. Bank, 176-213; Kilpatrick v. Kilpatrick, 176-182; Everett v. Ballard, 174-16; Freeman v. Belfer, 173-581; Satterwhite v. Gallagher, 173-525; Graves v. Johnson, 172-176; McCurry v. Furgason, 170-463; Warren v. Dail, 170-406; Butler v. Butler, 169-584; Royal v. Southerland, 168-405; Patterson v. Franklin, 168-75; McKinnon v. Caulk, 167-411; Norwood v. Totten, 166-648; Jackson v. Beard, 162-105; Greenville v. Gornto, 161-341; Sipe v. Herman, 161-107; Flanner v. Flanner, 160-126; Rea v. Rea, 156-529; Council v. Pridgen, 153-443; Richardson v. Richardson, 150-549; Jones v. Smith, 149-317; State v. Robinson, 143-620; Hodgins v. R. R., 143-93; Ball v. Paquin, 140-88; Smith v. Bruton, 137-83; Vann v. Edwards, 135-661; Perkins v. Brinkley, 133-154; State v. Jones, 132-1046; Hallyburton v. Slagle, 132-947; Ray v. Long, 132-891; Finger v. Hunter, 130-529; Watts ex parte, 130-237; Cawfield v. Owens, 129-286; Vann v. Edwards, 128-428; Coffin v. Smith, 128-255; Tiddy v. Graves, 126-620, 127-503; Toms v. Plack, 127-423; Brinkley v. Ballance, 126-396; McLamb v. McPhail, 126-218; Jennings v. Hinton, 126-48; Walton v. Bristol, 125-419; Weathers v. Borders, 124-615; Strather v. R. R., 123-198; Slocumb v. Ray, 123-571; Moore v. Wolf, 122-716; McLeod v. Williams, 122-455; Green v. Bennett, 120-396; Barrett v. Barrett, 120-131; Houck v. Somers, 118-611; Hall v. Walker, 118-380; Bank v. Howell, 118-273; Kirby v. Boyett, 118-258, 116-165; Bates v. Salton, 117-101; Zimmerman v. Robinson, 114-39; Strouse v. Cohen, 113-349; Jones v. Coffey, 109-515; Walker v. Long, 109-510; Thompson v. Wiggins, 109-508; Osborne v. Withers, 108-677; Kirkpatrick v. Holmes, 108-209; Ferguson v. Kinsland, 93-337; Southerland v. Hunter, 93-310; Long v. Barnes, 87-329; Cecil v. Smith, 81-285; O'Connor v. Harris, 81-279; Hall v. Short, 81-273; Holliday v. McMillan, 79-315; Manning v. Manning, 79-306; Manning v. Manning, 79-293; Kirkman v. Bank, 77-394; King v. Little, 77-138; Atkinson v. Richardson, 74-445; Roundtree v. Gay, 74-447; Phippen v. Wesson, 74-437; Purvis v. Carstaphan, 73-575; Harris v. Jenkins, 72-183; Shuler v. Millsaps, 71-297; Teague v. Downs, 69-280; Woody v. Smith, 65-116; Rowland v. Perry, 64-578.

See, also, C. S., sec. 2506 et seq.

SEC. 7. The husband may insure his own life for the sole use and benefit of his wife and children, and in case of the death of the husband the amount thus insured shall be paid over to the wife and children, or to the guardian, if under age, for her or their own use, free from all the claims of the representatives of her husband or any of his creditors.

Husband may insure his life for the benefit of wife and children.

Const. 1868.

Herring v. Sutton, 129-112; Hooker v. Sugg, 102-115; Burton v. Farinholt, 86-260; Burwell v. Snow, 107-82.

SEC. 8. Nothing contained in the foregoing sections of this article shall operate to prevent the owner of a homestead from disposing of the same by deed; but no deed made by the owner of a homestead shall be valid without the voluntary signature and assent of his wife, signified on her private examination according to law.

How deed for homestead may be made.

Const. 1868.

Power Co. v. Power Co., 168-219; Dalrymple v. Cole, 156-353, 170-102; Davenport v. Fleming, 154-291; Sash Co. v. Parker, 153-130; Ball v. Paquin,

140-97; Joyner v. Sugg, 132-580; Cawfield v. Owen, 129-286, 130-644; Spence v. Goodwin, 128-276; Jordan v. Newsome, 126-558; Wittkowsky v. Gidney, 124-437; McLeod v. Williams, 122-455; Bevan v. Ellis, 121-224; Barrett v. Barrett, 120-131; Chitty v. Chitty, 118-648; Thomas v. Fulford, 117-673; Shaffer v. Bledsoe, 117-144; Stern v. Lee, 115-442; Allen v. Volen, 114-564; Vanstony v. Thornton, 112-196; Leak v. Gay, 107-482; Long v. Walker, 105-116; Hughes v. Hodges, 102-252; Adrian v. Shaw, 82-474; Littlejohn v. Egerton, 76-468; Beavan v. Speed, 74-544; Lambert v. Kinnery, 74-348; Mayho v. Cotton, 69-289; Poe v. Hardie, 65-447.

See, also, C. S., sec. 729.

## ARTICLE XI

### PUNISHMENTS, PENAL INSTITUTIONS AND PUBLIC CHARITIES

- Punishments.** SECTION 1. The following punishments only shall be known to the laws of this State, viz., death, imprisonment with or without hard labor, fines, removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under this State.
- Convict labor.** The foregoing provision for imprisonment with hard labor shall be construed to authorize the employment of such convict labor on public works or highways, or other labor for public benefit, and the farming out thereof, where and in such manner as may be provided by law; but no convict shall be farmed out who has been sentenced on a charge of murder, manslaughter, rape, attempt to commit rape, or arson: *Provided*, that no convict whose labor may be farmed out shall be punished for any failure of duty as a laborer except by a responsible officer of the State; but the convicts so farmed out shall be at all times under the supervision and control, as to their government and discipline, of the penitentiary board or some officer of the State.
- Proviso.** Const. 1868; Convention 1875.  
State v. Nipper, 166-272; State v. Young, 138-574; State v. Burke, 73-83; State v. King, 69-419.
- Death punishment.** SEC. 2. The object of punishments being not only to satisfy justice, but also to reform the offender, and thus prevent crime, murder, arson, burglary and rape, and these only, may be punishable with death, if the General Assembly shall so enact.
- Const. 1868.  
State v. Burnett, 179-735; State v. Lytle, 138-744; State v. Burke, 73-83; State v. King, 69-419.
- Penitentiary.** SEC. 3. The General Assembly shall, at its first meeting, make provision for the erection and conduct of a State's Prison or penitentiary at some central and accessible point within the State.
- Const. 1868.  
Day's Case, 124-367; Welker v. Bledsoe, 68-457; R. R. v. Holden, 63-436.
- Houses of correction.** SEC. 4. The General Assembly may provide for the erection of houses of correction, where vagrants and persons guilty of misdemeanors shall be restrained and usefully employed.
- Const. 1868.  
In re Watson, 157-340; Moffitt v. Asheville, 103-237.
- House of refuge.** SEC. 5. A house or houses of refuge may be established whenever the public interest may require it, for the correction and instruction of other classes of offenders.
- Const. 1868.

SEC. 6. It shall be required by competent legislation that the structure and superintendence of penal institutions of the State, the county jails and city police prisons secure the health and comfort of the prisoners, and that male and female prisoners be never confined in the same room or cell.

The sexes to be separated.

Const. 1868.

Moffitt v. Asheville, 103-237.

SEC. 7. Beneficent provision for the poor, the unfortunate and orphan being one of the first duties of a civilized and Christian state, the General Assembly shall, at its first session, appoint and define the duties of a board of public charities, to whom shall be entrusted the supervision of all charitable and penal State institutions, and who shall annually report to the Governor upon their condition, with suggestions for their improvement.

Provision for the poor and orphans.

Const. 1868.

Comrs. v. Spitzer, 173-147; Bd. of Ed. v. Comrs., 137-314; Miller v. Atkinson, 63-540.

SEC. 8. There shall also, as soon as practicable, be measures devised by the State for the establishment of one or more orphan houses where destitute orphans may be cared for, educated and taught some business or trade.

Orphan houses.

Const. 1868.

Miller v. Atkinson, 63-537.

SEC. 9. It shall be the duty of the Legislature, as soon as practicable, to devise means for the education of idiots and inebriates.

Inebriates and idiots.

Const. 1868.

Board of Education v. State Board, 114-313.

SEC. 10. The General Assembly may provide that the indigent deaf-mute, blind and insane of the State shall be cared for at the charge of the State.

Deaf-mutes, blind and insane.

Const. 1868; 1879, cc. 314, 254, 268.

In re Boyette, 136-418; Hospital v. Fountain, 128-25; In re Hybart, 119-359.

SEC. 11. It shall be steadily kept in view by the Legislature and the Board of Public Charities that all penal and charitable institutions should be made as nearly self-supporting as is consistent with the purposes of their creation.

Self-supporting.

Const. 1868.

## ARTICLE XII

### MILITIA

SECTION 1. All able-bodied male citizens of the State of North Carolina, between the ages of twenty-one and forty years, who are citizens of the United States, shall be liable to duty in the militia: *Provided*, that all persons who may be averse to bearing arms, from religious scruples, shall be exempt therefrom.

Who are liable to militia duty.

Proviso.

Const. 1868.

- Organizing, etc.**      SEC. 2. The General Assembly shall provide for the organizing, arming, equipping and discipline of the militia, and for paying the same when called into active service.  
                                  Const. 1868.  
                                  Winslow v. Morton, 118-486; Worth v. Comrs., 118-112.
- Governor commander-in-chief.**      SEC. 3. The Governor shall be Commander-in-chief, and shall have the power to call out the militia to execute the law, suppress riots or insurrection, and repel invasion.  
                                  Const. 1868.  
                                  Winslow v. Morton, 118-486; Worth v. Comrs., 118-112.
- Exemptions.**      SEC. 4. The General Assembly shall have power to make such exemptions as may be deemed necessary, and to enact laws that may be expedient for the government of the militia.  
                                  Const. 1868.

## ARTICLE XIII

## AMENDMENTS

- Convention, how called.**      SECTION 1. No convention of the people of this State shall ever be called by the General Assembly, unless by the concurrence of two-thirds of all the members of each House of the General Assembly, and except the proposition, Convention or No Convention, be first submitted to the qualified voters of the whole State, at the next general election in a manner to be prescribed by law. And should a majority of the votes cast be in favor of said convention, it shall assemble on such day as may be prescribed by the General Assembly.  
                                  Const. 1868; Convention 1875; Convention 1835, art. IV, sec. 1.  
                                  Moose v. Comrs., 172-461.
- How the Constitution may be altered.**      SEC. 2. No part of the Constitution of this State shall be altered unless a bill to alter the same shall have been agreed to by three-fifths of each House of the General Assembly. And the amendment or amendments so agreed to shall be submitted at the next general election to the qualified voters of the whole State, in such manner as may be prescribed by law. And in the event of their adoption by a majority of the votes cast, such amendment or amendments shall become a part of the Constitution of this State.  
                                  Const. 1868; Convention 1875; Convention 1835, art. IV, sec. 1.  
                                  Reade v. Durham, 173-668; Moose v. Comrs., 172-461; University v. McIver, 72-76.

## ARTICLE XIV

## MISCELLANEOUS

- Indictments.**      SECTION 1. All indictments which shall have been found, or may hereafter be found, for any crime or offense committed be-

fore this Constitution takes effect may be proceeded upon in the proper courts, but no punishment shall be inflicted which is forbidden by this Constitution.

Const. 1868.

Debnam v. Tel. Co., 126-835; Morris v. Hauser, 125-559; Day's Case, 124-365; State v. Moore, 120-567.

SEC. 2. No person who shall hereafter fight a duel, or assist in the same as a second, or send, accept, or knowingly carry a challenge therefor, or agree to go out of the State to fight a duel, shall hold any office in this State. Penalty for fighting duel.

Const. 1868.

Cole v. Sanders, 174-112; State v. Lord, 145-479.

SEC. 3. No money shall be drawn from the treasury but in consequence of appropriations made by law; and an accurate account of the receipts and expenditures of the public money shall be annually published. Drawing money.

Const. 1868.

Martin v. Clark, 135-180; White v. Auditor, 126-602; White v. Hill, 125-200; Hunter v. Worth, 122-252; Cotton Mills v. Comrs., 108-685.

SEC. 4. The General Assembly shall provide, by proper legislation, for giving to mechanics and laborers an adequate lien on the subject-matter of their labor. Mechanic's lien.

Const. 1868.

Mfg. Co. v. Andrews, 165-285; Moore v. Industrial Co., 138-306; Finger v. Hunter, 130-529; Tedder v. R. R., 124-344; Lester v. Houston, 101-605; Whitaker v. Smith, 81-341.

SEC. 5. In the absence of any contrary provision, all officers of this State, whether heretofore elected, or appointed by the Governor, shall hold their positions only until other appointments are made by the Governor, or, if the officers are elective, until their successors shall have been chosen and duly qualified according to the provisions of this Constitution. Governor to make appointments.

Const. 1868.

Markham v. Simpson, 175-135.

SEC. 6. The seat of government in this State shall remain at the city of Raleigh. Seat of government.

Const. 1868.

SEC. 7. No person who shall hold any office or place of trust or profit under the United States, or any department thereof, or under this State, or under any other state or government, shall hold or exercise any other office or place of trust or profit under the authority of this State, or be eligible to a seat in either House of the General Assembly: *Provided*, that nothing herein contained shall extend to officers in the militia, justices of the peace, commissioners of public charities, or commissioners for special purposes. Holding office.  
  
Proviso.

Const. 1868; 1872-3, c. 88; Convention 1835, art. IV, sec. 1.

Kendall v. Stafford, 178-461; Cole v. Sanders, 174-112; Bank v. Redwine, 171-559; State v. Knight, 169-333; Graves v. Barden, 169-8; Whitehead v. Pitt-



man, 165-89; Midgett v. Gray, 158-133; McCullers v. Comrs., 158-75; State v. Lord, 145-479; State v. Smith, 145-476; Dunham v. Anders, 128-207; White v. Murray, 126-153; Dowtin v. Beardsley, 126-116; Barnhill v. Thompson, 122-493; Wood v. Bellamy, 120-223; Harkins v. Cathey, 119-659; Bank v. Worth, 117-152; McNeill v. Somers, 96-467; Doyle v. Raleigh, 89-133.  
See, also, C. S., sec. 3200.

Intermarriage of  
whites and negroes  
prohibited.

SEC. 8. All marriages between a white person and a negro, or between a white person and a person of negro descent to the third generation inclusive, are hereby forever prohibited.

Convention 1875.

Johnson v. Bd. of Ed., 166-468; Ashe v. Mfg. Co., 154-241; Ferrall v. Ferrall, 153-174; Hopkins v. Bowers, 111-175.

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PUBLIC LAWS

OF THE

STATE OF NORTH CAROLINA

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EXTRA SESSION 1924

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# PUBLIC LAWS

## OF THE

### STATE OF NORTH CAROLINA

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#### EXTRA SESSION 1924

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##### CHAPTER 1

AN ACT TO AMEND CONSOLIDATED STATUTES, SECTION 962, IN REFERENCE TO THE PAYMENT OF FUNDS BY THE CLERK FOR THE USE OF INDIGENT AND NEEDY CHILDREN.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter fifteen, article five, section nine hundred and sixty-two, Consolidated Statutes of one thousand nine hundred and nineteen, be and the same is hereby amended by inserting in the second line of the said section after the word "less" and before the word "are" the words "per child." Section amended.  
Words added.

SEC. 2. That this act shall be construed, and shall have the effect of making section nine hundred and sixty-two, Consolidated Statutes, apply to all funds contemplated by it which are now or may come into the hands of the clerk of the Superior Court when the amount thereof does not exceed one hundred dollars (\$100) for each child who may be entitled to share therein. How act shall be construed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 16th day of August, A.D. 1924.

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##### CHAPTER 2

AN ACT TO CONFER CRIMINAL JURISDICTION ON THE SEPTEMBER CIVIL TERM, 1924, OF ROBESON SUPERIOR COURT.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the term of Superior Court beginning the first Monday in September, one thousand nine hundred and twenty-four, and continuing two weeks, for the county of Robeson, is hereby given criminal jurisdiction, with full power and authority to try all criminal offenses that may rightly come upon its docket. Superior court.  
Robeson County.  
Criminal jurisdiction.



Act applies only  
to September,  
1924, term.

SEC. 2. That this act shall apply only to the said term, and after the adjournment thereof, in September, one thousand nine hundred and twenty-four, the said September term shall have only civil jurisdiction, as heretofore prescribed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 16th day of August, A.D. 1924.

### CHAPTER 3

#### AN ACT TO AMEND SECTION 80, CONSOLIDATED STATUTES, RELATIVE TO THE SALE OF LAND FOR ASSETS.

*The General Assembly of North Carolina do enact:*

Section amended. SECTION 1. That section eighty (80), Consolidated Statutes, be and the same is hereby amended by adding thereto the following:

Sale for assets. *Provided*, that in any proceedings for the sale of land to make assets, when there are heirs of said decedent, or there may be

Heirs unknown. heirs of said decedent whose names and residences are unknown, and it is desired to make all unknown heirs of said decedent parties to said proceedings, and the personal representative shall make such representation in his petition, then all unknown heirs of the said decedent shall be made party defendants in the same as the unknown heirs of said decedent naming him, and as thus denominated and under this name all said unknown heirs shall be served with summons by publication as now regularly provided by law for the service of summons by publication in the Superior Court, and upon such service being had, the court shall appoint some discreet person as guardian *ad litem*, for said unknown heirs, and summons shall issue to him as such. Said guardian *ad litem* shall

Petition of personal representative. file answer for said unknown heirs, and defend for them, and he may be paid such sum as the court may fix, to be paid as other costs out of the estate. Upon the filing of the answer by said guardian *ad litem*, all said unknown heirs shall be before the court for the purposes of the action to the same extent as if each had been served with summons by name, and any claim that they may make to said real estate so sold shall be transferred to the funds in the hands of the personal representative to the same extent as other distributees of said estate and no further.

Unknown heirs, party defendants. Summons by publication.

Guardian ad litem.

Answer of guardian ad litem.

Claims to real estate transferred to funds in hands of personal representative.

Applies to actions pending. Past proceedings validated.

SEC. 2. That this act shall apply to actions now pending, and all proceedings to sell land for assets heretofore had, where unknown heirs have been summoned by publication, are hereby validated.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 16th day of August, A.D. 1924.

## CHAPTER 4

## AN ACT TO AUTHORIZE THE STATE BOARD FOR VOCATIONAL EDUCATION TO CONTINUE ITS WORK IN VOCATIONAL REHABILITATION.

Whereas section 317, chapter 136, Public Laws of 1923, makes an appropriation out of the public school fund for vocational rehabilitation contingent upon an appropriation from the Federal Government of a like amount; and

Preamble: Section making contingent appropriation.

Whereas the Sixty-eighth Federal Congress in its first session passed an act authorizing the continuance of vocational rehabilitation; and

Preamble: Act of congress.

Whereas the General Deficiency appropriation bill containing the appropriation for this work failed to pass in the said session of the Federal Congress: Therefore,

Preamble: Congressional appropriation failed.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the State Board for Vocational Education is hereby authorized to continue its work in the Division of Vocational Rehabilitation from the contingent funds heretofore appropriated out of the public school fund for this purpose: *Provided*, this work shall not be continued beyond March fourth, one thousand nine hundred and twenty-five, unless the appropriation from the Federal Government is made available prior to said date; and *Provided further*, that the State Board for Vocational Education may not exceed the amount set aside from State funds for this purpose.

Work to continue.

Funds.

Proviso: Time limit.

Proviso: Not to exceed amount funds set aside.

SEC. 2. That this act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of August, A.D. 1924.

## CHAPTER 5

## AN ACT TO AMEND THE CONSOLIDATED STATUTES OF NORTH CAROLINA WITH REFERENCE TO DRUNKENNESS ON THE PUBLIC HIGHWAY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section four thousand four hundred and fifty-eight of the Consolidated Statutes be and the same is hereby amended by adding after the word "Warren" a comma, and between the word "Warren" and before the word "and" the word "Franklin."

Section amended.

Franklin County.

SEC. 2. That this act shall be in force and effect from and after its ratification.

Ratified this the 15th day of August, A.D. 1924.

## CHAPTER 6

AN ACT TO AMEND CHAPTER 24 OF THE PUBLIC LAWS OF 1923, ENTITLED AN ACT TO AMEND SECTION 6889 OF THE CONSOLIDATED STATUTES, CONCERNING ALLOWANCES MADE TO DIFFERENT ORGANIZATIONS OF THE MILITIA.

*The General Assembly of North Carolina do enact:*

Section amended.	SECTION 1. That section one of chapter twenty-four of the Public Laws of one thousand nine hundred and twenty-three be amended by striking out in said section paragraph number (b) and inserting in lieu thereof the following: "Each lieutenant of
Lieutenant.	such organizations and other officers of corresponding grades and
Naval militia.	duties in the naval militia, the sum of not exceeding one hundred
Adjutant-general.	dollars (\$100), to be determined by the Adjutant General of the
Battalion adjutants.	State according to rules and regulations prescribed by him; battalion adjutants, the sum of not exceeding fifty dollars (\$50), to be determined by the Adjutant General of the State according to
Officer medical detachment.	rules and regulations prescribed by him; the commanding officer of each medical detachment, the sum of not exceeding one hundred
Section amended.	dollars (\$100), in accordance with rules and regulations prescribed by the Adjutant General of the State, for the purpose of defraying the necessary expenses of their respective offices." The foregoing amendment also amends section six thousand eight hundred and eighty-nine of the Consolidated Statutes, beginning in line thirteen at the words "each lieutenant" and ending in line seventeen with the words "respective offices."
Act effective.	SEC. 2. This act shall be in force from and after the first day of July, one thousand nine hundred and twenty-three.
	Ratified this the 16th day of August, A.D. 1924.

## CHAPTER 7

AN ACT TO PUT MONROE TEMPLETON AND JOE EWELL, COLORED, ON THE PENSION ROLL.

*The General Assembly of North Carolina do enact:*

Service rendered.	SECTION 1. That whereas Monroe Templeton was the servant of Lieutenant John Y. Templeton of Iredell County and served four years with his master during the Civil War; and
Service rendered.	Whereas Joe Ewell was the body servant of General Ewell and served in this capacity throughout the four years of the Civil War; and
Disabled and without means.	Whereas Monroe Templeton is eighty years old, and Joe Ewell is eighty-six years old, and both being disabled and having no property of any kind, both being residents of Iredell County, North Carolina.

SEC. 2. That the State Auditor is hereby directed to place the names of Monroe Templeton and Joe Ewell, colored, on the pension roll of North Carolina as fourth-class pensioners. Names added to roll.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 19th day of August, A.D. 1924.

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## CHAPTER 8

### AN ACT TO AMEND CHAPTER 171 OF THE PUBLIC LAWS OF 1923, AND TO PLACE THE WIDOW OF JOHN COVINGTON ON THE PENSION LIST.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one (1) of chapter one hundred and seventy-one (171) of the Public Laws of one thousand nine hundred and twenty-three (1923) be amended by inserting between the word "County" and the word "be," in line thirty-five (35) thereof, the words "Mrs. Bell Covington, Alamance County." Section amended.  
Mrs. Bell Covington.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 19th day of August, A.D. 1924.

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## CHAPTER 9

### AN ACT TO AMEND SECTION 1443 OF THE CONSOLIDATED STATUTES, RELATING TO THE COURTS OF HERTFORD COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section fourteen hundred and forty-three (1443) of the Consolidated Statutes be and the same is hereby amended by striking out of said section the following words:

"Hertford—First Monday before the first Monday in March; sixth Monday after the first Monday in March, to continue for two weeks; fourth Monday before the first Monday in September; sixth Monday after the first Monday in September, to continue for two weeks." Hertford County.  
Superior court terms.

SEC. 2. That in lieu of and as a substitute for the above words and language stricken out of said section, the following is inserted in its place and stead, to wit:

"Hertford—First Monday before the first Monday in March; sixth Monday after the first Monday in March, to continue for two weeks; last Monday in July, for the trial of criminal cases only, and such other cases, proceedings and motions not requiring a New terms of court provided.

jury trial; sixth Monday after the first Monday in September, to continue for two weeks; fourteenth Monday after first Monday in September, to continue for two weeks for trial of civil cases only."

Copy of act to be  
certified to chair-  
man board of  
commissioners.

SEC. 3. That immediately upon the passage of this act the Secretary of State shall send a certified copy of this act to the chairman of the board of county commissioners of Hertford County.

Repealing clause.

SEC. 4. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 5. That this act shall be in effect and force immediately upon its passage and ratification.

Ratified this the 19th day of August, A.D. 1924.

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## CHAPTER 10

### AN ACT TO AMEND SECTION 4156 OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA SO AS TO INCLUDE HALIFAX COUNTY.

*The General Assembly of North Carolina do enact:*

Section amended.

Probate of old  
wills.

Halifax County.

SECTION 1. That section four thousand one hundred and fifty-six of the Consolidated Statutes of North Carolina be and the same is hereby amended by inserting in line thirty of said section, after the word "Transylvania" and before the word "and," the word "Halifax."

SEC. 2. That this act shall be enforced from and after its ratification.

Ratified this the 19th day of August, A.D. 1924.

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## CHAPTER 11

### AN ACT TO REGULATE THE INSPECTION OF MEATS AND MEAT PRODUCTS AND THE INSPECTION CHARGES THEREFOR.

*The General Assembly of North Carolina do enact:*

Beef cattle.

Hogs.

Sheep.

Inspection by  
veterinary  
surgeon.  
Election of  
Inspector.

SECTION 1. That all persons, firms, or corporations engaged in the business of operating a meat packing plant or plants within the State of North Carolina where more than one thousand beef cattle are slaughtered per annum, or more than ten thousand hogs or swine are slaughtered per annum, or more than five hundred sheep are slaughtered per annum shall have the meat or beef of said slaughtered cattle inspected by a veterinary surgeon duly licensed by the State of North Carolina; that said inspector shall be elected by the governing body of the municipal corporation



wherein said packing plant or plants is or are situated, or, if said packing plant be not situated within a municipal corporation, then by the board of county commissioners of the county wherein said packing plant is situated; that said inspector shall condemn all meats found to be unfit for human consumption; that said inspector shall cause all meats so condemned either to be destroyed or put to some use which shall not be dangerous for the public health; that each and every piece of meat or beef not condemned by said inspector shall be stamped by him in the usual manner; that the stamp to be used to stamp said meat or beef shall bear the following words: "North Carolina State Meat Inspection—Approved (*insert name of inspector*), Inspector"; that all meat or beef condemned by said inspector shall be stamped by a similar stamp, except that the word "condemned" shall be inserted thereon instead of the word "approved."

Duties of inspector.

Meat to be stamped.

SEC. 2. That the charges for said inspection shall be as follows: twenty-five cents for each and every beef cattle or cow inspected; ten cents for each and every hog inspected, and ten cents for each and every sheep inspected; that no further inspection shall be necessary within the State except such inspection as is provided for in section four thousand seven hundred and sixty-two of the Consolidated Statutes of North Carolina; that no further or other inspection charges for the inspection of meat or beef inspected as provided herein shall be made within the State.

Charges for inspection.

Additional inspection required by statute.

SEC. 3. That should no regularly licensed veterinary surgeon be available for the purposes of this act, then the duties provided herein to be performed by said inspector shall be performed by some competent person to be elected by the governing body of the municipal corporation wherein said packing plant is located, or if said packing plant be not located within a municipal corporation, then by the board of county commissioners of the county wherein said packing plant is located.

If no veterinary surgeon is available, competent person may be appointed inspector.

SEC. 4. That the fees or inspection charges herein provided for shall be collected by the municipal corporation wherein said packing plant is located, or if said packing plant be not located within a municipal corporation, then by the board of county commissioners of the county wherein said plant is located; that said fees or charges so collected shall be placed in the general fund of the municipal corporation or county collecting the same; that the salary or remuneration of the inspector shall be fixed and paid by the municipal corporation or county by which said inspector is elected.

Inspection charges: how collected.

Placed in general fund.

Salary of inspector.

SEC. 5. All laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Repealing clause.

SEC. 6. That this act shall be in force from and after its ratification.

Ratified this the 19th day of August, A.D. 1924.

## CHAPTER 12

## AN ACT TO AMEND SECTION 1443 OF THE CONSOLIDATED STATUTES, RELATING TO TERMS OF COURT BY PROVIDING FOR THE TERMS OF COURT FOR MARTIN COUNTY.

*The General Assembly of North Carolina do enact:*

Section amended.	SECTION 1. That section one thousand four hundred and forty-three of the Consolidated Statutes, being a portion of article six, entitled Judicial Districts and Terms of Court, be and the same is
Martin county.	hereby reënacted as to the terms of court in Martin County, second district, eastern division, by providing the following terms of court for said Martin County, to be inserted in said section one thousand four hundred and forty-three between the terms of court for Washington County and the terms of court for Edgecombe
Terms of court.	County, second district, eastern division: " <i>Martin</i> —second Monday after the first Monday in March, to continue for two weeks; fifteenth Monday after the first Monday in March; second Monday after the first Monday in September, to continue for two weeks; fourteenth Monday after the first Monday in September."
Repealing clause.	SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.
	SEC. 3. That this act shall be in force from and after its ratification.
	Ratified this the 19th day of August, A.D. 1924.

## CHAPTER 13

## AN ACT TO AMEND SECTION 1214 OF THE CONSOLIDATED STATUTES, RELATING TO SALES OF REAL PROPERTY BY RECEIVERS.

*The General Assembly of North Carolina do enact:*

Section amended.	SECTION 1. Amend section one thousand two hundred and fourteen of the Consolidated Statutes by adding the following at the end of said section: "And the receiver or receivers making such
Report of receiver to judge.	sale is hereby authorized and directed to report to the resident judge of the district or to the judge holding the courts of the district in which the property is sold, the said sale for confirmation, the said report to be made to the said judge in any county in which
Notice to creditors.	he may be at the time; but before acting upon said report, the said receiver or receivers shall publish in some newspaper published in the county or in some newspaper of general circulation in the county, where there is no newspaper published in the county, a notice directed to all creditors and persons interested in said property, that the said receiver will make application to the judge
Application for confirmation of report.	

(naming him) at a certain place and time for the confirmation of his said report, which said notice shall be published at least ten days before the time fixed therein for the said hearing. And the said judge is authorized to act upon said report, either confirming it or rejecting the sale; and if he rejects the sale it shall be competent for him to order a new sale and the said order shall have the same force and effect as if made at a regular term of the Superior Court of the county in which the property is situated."

Length of notice.

Action of judge.

New sale.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

Repealing clause.

SEC. 3. That this act shall be in full force from and after its ratification.

Ratified this the 20th day of August, A.D. 1924.

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## CHAPTER 14

### AN ACT TO AMEND CHAPTER 84 OF THE PUBLIC LAWS OF NORTH CAROLINA, SESSION 1923, RELATING TO HAYWOOD, YANCEY, AND OTHER COUNTIES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter eighty-four of the Public Laws of North Carolina, Session nineteen-hundred and twenty-three, be amended by adding after the word "Yancey" in sections 1, 2, and 3 thereof, the word "Alexander."

Law amended.

Alexander County.

SEC. 2. All laws and clauses of laws conflicting herewith are repealed.

Repealing clause.

SEC. 3. This act shall be in force from and after its ratification.

Ratified this the 19th day of August, A.D. 1924.

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## CHAPTER 15

### AN ACT TO AMEND CHAPTER 93 OF THE PUBLIC LAWS OF 1921, RELATING TO THE PAYMENT OF MONEY INTO THE OFFICE OF THE CLERK OF SUPERIOR COURT OF PERSONS DYING INTESTATE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section two of chapter ninety-three of Public Laws of nineteen hundred and twenty-one be and the same is hereby amended by adding at the end thereof "Mecklenburg and Robeson."

Section amended.

Mecklenburg  
and Robeson  
counties.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 20th day of August, A.D. 1924.

## CHAPTER 16

AN ACT TO AMEND CHAPTER 2, PUBLIC LAWS OF 1921,  
PROVIDING FOR INCREASE IN SALARY OF COMMISSIONER.*The General Assembly of North Carolina do enact:*

Section amended.

Salary chairman  
state highway  
commission.

SECTION 1. That section four, chapter two, Public Laws of one thousand nine hundred and twenty-one, be amended as follows: insert after the word "duties" in line thirty-four the following: "*Provided*, that the State Highway Commissioners may in their discretion increase the compensation and salary of said Commissioner, said salary not to exceed fifteen thousand dollars (\$15,000), in discretion of Highway Commissioners."

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 20th day of August, A.D. 1924.

## CHAPTER 17

AN ACT TO APPOINT COMMISSIONERS TO RUN AND  
ESTABLISH A DIVIDING LINE BETWEEN THE COUNTIES  
OF DUPLIN AND ONSLOW, AND TO REPEAL CHAPTER 28  
OF THE PUBLIC LAWS OF 1921 AND CHAPTER 43 OF THE  
PUBLIC LAWS OF 1923, RELATING TO THE ESTABLISH-  
MENT OF THE DIVIDING LINE BETWEEN THE COUNTIES  
OF DUPLIN AND ONSLOW.

## PREAMBLE.

Preamble: Former  
act appointed  
commissioners to  
run dividing line.Make report to  
county courts.Preamble: No  
record can be  
found that line  
was run.Preamble: Legis-  
lature 1921 ap-  
pointed commis-  
sioners to run  
line.Preamble: One  
commissioner  
died.

Whereas the Legislature of one thousand eight hundred and nineteen passed an act appointing commissioners to run and establish the dividing line between the counties of Duplin and Onslow, and make report of their proceedings to the county courts of said counties; and

Whereas the said commissioners, if they ran said line, failed to make any report of their proceedings to the said courts of said counties, or if said reports were made, the said courts failed to spread same upon their minutes;

Whereas the Legislature of one thousand nine hundred and twenty-one passed an act to appoint H. D. Williams, of the county of Duplin, and Frank Thompson, of the county of Onslow, commissioners to establish the dividing line between the counties of Duplin and Onslow; and

Whereas the said Frank Thompson died before the completion of his duty as commissioner; and

Whereas, by chapter forty-three of the Public Laws of one thousand nine hundred and twenty-two, Neere E. Day was appointed to serve in the place of the said Frank Thompson, and it was further provided in the said act of one thousand nine hundred and twenty-three that the commissioners so appointed should within sixty days after the adjournment of the General Assembly of one thousand nine hundred and twenty-three begin to establish the said dividing line; and

Preamble: Later laws provided for running line.

Whereas the same has not been completed on account of the business engagements of the commissioners herein appointed: Now, therefore,

Preamble: Business engagements of commissioners prevent work from being completed.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter twenty-eight of the Public Laws of one thousand nine hundred and twenty-one and chapter forty-three of the Public Laws of one thousand nine hundred and twenty-three, relating to the establishment of the dividing line, between the counties of Duplin and Onslow, be and the same is hereby repealed.

Law repealed.

SEC. 2. That W. B. Venters, chairman of the board of county commissioners of Onslow County, and W. J. Middleton, member of the board of commissioners of Duplin County, be and they are hereby appointed commissioners to run and establish a dividing line between the counties of Duplin and Onslow, and that said commissioners so appointed shall within thirty days after the adjournment of this Special Session of the General Assembly begin to establish the said dividing line.

New commissioners appointed.

Work to begin within thirty days after adjournment of present session.

SEC. 3. That the said commissioners shall make report of their proceedings to the boards of commissioners of the said counties of Duplin and Onslow, which report, after being recorded in the minutes of said boards, shall be filed with the respective clerks of the Superior Court of said counties, and a certified copy of the same shall be forwarded to the office of the Secretary of State to be filed with the records in said office, relating to the land lying and being in said counties.

Report of proceedings.

Recorded.

Certified copy to Secretary of State.

SEC. 4. That the expenses of running and marking the said dividing line shall be borne equally by the said counties of Duplin and Onslow; and the boards of county commissioners of said counties are authorized to pay said expenses when the said line shall have been run and marked, the reports of the commissioners heretofore named filed as directed in this act.

Expenses.

Borne equally by counties.

SEC. 5. That the proceeding hereunder shall not affect the titles to lands adjoining or adjacent to the county line to be established hereunder.

Titles to lands not affected.

SEC. 6. That all laws and clauses of laws in conflict with this act are hereby repealed.

Repealing clause.

SEC. 7. That this act shall be in force from and after its ratification.

Ratified this the 20th day of August, A.D. 1924.



## CHAPTER 18

AN ACT TO AMEND CHAPTER 92 OF THE PUBLIC LAWS,  
EXTRA SESSION 1921, RELATING TO CIVIL PROCEDURE.*The General Assembly of North Carolina do enact:*

Section amended.	SECTION 1. That subsection four of section one of chapter ninety-two of the Public Laws, Special Session one thousand nine hundred and twenty-one, be and the same is hereby amended so as to hereafter read as follows: "If the answer contains a counterclaim against the plaintiff or plaintiffs, or any of them, such answer shall be served upon the plaintiff or plaintiffs against whom such counterclaim is plead, or against the attorney or attorneys of record of such plaintiff or plaintiffs; the plaintiff or plaintiffs against whom such counterclaim shall be plead shall have twenty (20) days after the service thereof within which to answer or reply to such counterclaim: <i>Provided</i> , for good cause shown, the clerk may extend the time of filing such answer or reply to a day certain. If a counterclaim is plead against any of the plaintiffs and no copy of the answer containing such counterclaim shall be served upon the plaintiff or plaintiffs or his or their attorneys of record, such counterclaim shall be deemed to be denied as fully as if the plaintiff or plaintiffs had filed an answer or reply denying the same. All other replies, if any, shall be filed within twenty (20) days from the filing of the answer: <i>Provided</i> , for good cause shown, the clerk or judge, in the event the cause shall have been transferred to the civil issue docket, may extend the time to a day certain."
Answer containing counterclaim. Served upon plaintiff.	
Time in which to reply.	
Proviso: Time extended.	
No copy served upon plaintiff.	
Deemed denied.	
Time for filing all other replies. Proviso: Time may be extended for cause.	
Repealing clause.	SEC. 2. That all laws or clauses of laws in conflict with the provisions of this act are hereby repealed.
Act to become effective January 1, 1925.	SEC. 3. This act shall be in force from and after the first day of January, one thousand nine hundred and twenty-five. Ratified this the 20th day of August, A.D. 1924.

## CHAPTER 19

AN ACT TO VALIDATE CERTAIN OFFICIAL ACTS OF J. ROY  
PARKER, NOTARY PUBLIC.

Preamble: Commission executed and delivered.	That whereas a commission was duly executed, issued and delivered by the Governor of North Carolina on March twenty, one thousand nine hundred and twenty-three, to J. Roy Parker, as a notary public in and for the county of Hertford, and State of North Carolina; and
Preamble: Acted under commission without qualifying.	Whereas, under said commission and without first having qualified as required by law, the said J. Roy Parker proceeded to act as such notary public in taking acknowledgment, oaths, and otherwise

performing the duties of said office, and continued to so act from time to time, from the said twentieth day of March, one thousand nine hundred and twenty-three, to the nineteenth day of July, one thousand nine hundred and twenty-four, without having theretofore qualified as such notary public; and

Whereas, on the nineteenth day of July, one thousand nine hundred and twenty-four, the said J. Roy Parker, before the clerk of the Superior Court of Hertford County, did qualify under said commission as notary public aforesaid:

Preamble: Date of qualification.

*The General Assembly of North Carolina do enact:*

SECTION 1. That all acknowledgments, proofs of execution, oaths, or other notarial acts of the said J. Roy Parker, a notary public of Hertford County, from the twentieth of March, one thousand nine hundred and twenty-three, to July eleven, one thousand nine hundred and twenty-four, are hereby validated: *Provided, however,* that nothing herein shall be construed as impairing vested rights, or any subject-matter of litigation in any court.

Acts validated.

Proviso: Vested rights and pending litigation not affected.

SEC. 2. That this act shall take effect from and after its ratification.

Ratified this the 20th day of August, A.D. 1924.

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## CHAPTER 20

### AN ACT TO EXTEND THE TIME FOR THE REGISTRATION OF DEEDS OF GIFT AND GRANTS, AND OTHER INSTRUMENTS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the time is hereby extended until September first, one thousand nine hundred and twenty-six, for the proving and registering of all deeds of gift, grants from the State, or other instruments of writing heretofore executed and which are permitted or required by law to be registered, and which were or are required to be proved and registered within a limited time from the date of their execution; and all such instruments which have heretofore been or may be probated and registered before the expiration of the period herein limited shall be held and deemed, from and after the date of such registration, to have been probated and registered in due time, if proved in due form, and registration thereof be in other respects valid: *Provided*, that nothing in this act shall be held or deemed to validate or attempt to validate or give effect to any informal instrument; and *Provided further*, that this act shall not affect pending litigation: *Provided further*, that nothing herein contained shall be held deemed to place any limitation upon the time allowed for the registration of any instrument where no such limit is now fixed by law.

Limit of extension.

Instruments included.

Proviso: Informal instruments.

Proviso: Does not affect pending litigation.

Proviso: Instruments not required to be registered within certain time not affected.

Repealing clause.

SEC. 2. That all laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 20th day of August, A.D. 1924.

## CHAPTER 21

### AN ACT TO CORRECT AN ERROR IN STATE GRANT NUMBER 188, IN JACKSON COUNTY.

*The General Assembly of North Carolina do enact:*

Call corrected.

SECTION 1. That the first call in State Grant number one hundred and eighty-eight, issued on the eighteenth day of September, one thousand eight hundred and fifty-five, to Hugh Rogers and David Rogers, to wit: "South seventy-six east," be and the same is hereby corrected so as to read "north seventy-six east."

Secretary of State.  
Records to be  
corrected.

Register of deeds.  
Records to be  
corrected.

SEC. 2. That the Secretary of State is hereby authorized and directed to correct the same in accordance with this act upon copy of said grant and records in his office. Furthermore, the register of deeds for Jackson County is authorized and directed to so correct the records in his office.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 20th day of August, A.D. 1924.

## CHAPTER 22

### AN ACT TO VALIDATE THE ACTS OF CERTAIN JUSTICES OF THE PEACE OF LEXINGTON TOWNSHIP, DAVIDSON COUNTY.

Preamble: Duly  
appointed justice  
of the peace.  
Term expired.

Reappointed.

Acted without  
qualifying.

Date of qualifi-  
cation.

That whereas H. H. Koontz, theretofore having been regularly and duly appointed a justice of the peace in and for the township and county aforesaid, suffered his term of office to expire on or about the first day of April, one thousand nine hundred and twenty-three, and thereafter, having been reappointed and re-elected to said office, and without having qualified as required by law, did assume and attempt to do and perform the duties of the office of justice of the peace up to and until February fifteenth, one thousand nine hundred and twenty-four; and

Whereas the said H. H. Koontz, on or about the said fifteenth day of February, one thousand nine hundred and twenty-four, duly and properly qualified, as required by law as such justice of the peace in and for said township, and is now an acting justice of the peace in said township and county:

*The General Assembly of North Carolina do enact:*

SECTION 1. That all such acts of the said H. H. Koontz, justice of the peace aforesaid, between April first, one thousand nine hundred and twenty-three, and February fifteenth, one thousand nine hundred and twenty-four, as would have been valid under due appointment and qualification, are hereby validated: *Provided, however,* that nothing herein shall be construed as impairing any vested right or rights arising under the act of the said H. H. Koontz as *de facto* justice of the peace, nor any subject-matter arising therefrom in litigation in any court.

Acts validated.  
Dates.

Proviso:  
Vested rights and  
pending litigation  
not affected.

SEC. 2. That this act shall be in force and effect from and after its ratification.

Ratified this the 20th day of August, A.D. 1924.

## CHAPTER 23

AN ACT TO AMEND CHAPTER 229, PUBLIC LAWS OF NORTH CAROLINA, 1923 SESSION, RELATIVE TO THE TERMS OF SUPERIOR COURTS OF RANDOLPH COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter two hundred and twenty-nine of the Public Laws of North Carolina, one thousand nine hundred and twenty-three session, be and the same is hereby amended by striking out the word "twelfth" in line eight of section one of said chapter and inserting in lieu thereof the word "thirteenth."

Law amended.

Term superior  
court.

SEC. 2. That this act shall be in full force and effect from and after its ratification.

SEC. 3. That all laws and clauses of laws in conflict herewith are hereby repealed.

Repealing clause.

Ratified this the 20th day of August, A.D. 1924.

## CHAPTER 24

AN ACT TO ALLOW THE STATE BOARD OF EDUCATION TO PURCHASE LAND UPON WHICH IT HOLDS A LIEN.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the State Board of Education is authorized to purchase, at public sale, any land or lands upon which it has a mortgage or deed of trust securing the purchase price, or any part thereof, and when any land so sold and purchased by the said Board of Education is a part of a drainage district already constituted, upon which said land assessments have been levied for

State Board of  
Education.

Authority to  
purchase.

Authority to pay  
drainage district  
assessment.

the maintenance thereof, such assessments shall be paid by the said State Board of Education, as if said land had been purchased or owned by an individual.

Repealing clause.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 20th day of August, A.D. 1924.

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## CHAPTER 25

### AN ACT TO PROVIDE A PENSION FOR MRS. J. J. MASON, OF MECKLENBURG COUNTY, WIDOW OF A CONFED- ERATE VETERAN.

Preamble: Widow  
of veteran and  
without support.

Whereas Mrs. J. J. Mason, of Mecklenburg County, is the widow of J. J. Mason, a Confederate veteran, to whom she was married in one thousand eight hundred and eighty-two, is frail and without means of support, and is a woman deserving the benefits accruing to the widows of Confederate veterans: Now, therefore,

*The General Assembly of North Carolina do enact:*

Name placed on  
pension roll.

SECTION 1. That Mrs. J. J. Mason be and she is hereby allowed the regular pension accruing to the widows of Confederate veterans under the pension laws of this State.

Auditor directed  
to pay pension.

SEC. 2. That the State Auditor is authorized and directed to place the name of Mrs. J. J. Mason upon the pension rolls of his office and pay to her the pension as prescribed in section one of this act.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 20th day of August, A.D. 1924.

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## CHAPTER 26

### AN ACT TO AMEND SECTIONS 5820 AND 5821 OF THE CON- SOLIDATED STATUTES, RELATIVE TO FREE SCHOLAR- SHIPS TO THE NORTH CAROLINA STATE COLLEGE OF AGRICULTURE AND ENGINEERING.

*The General Assembly of North Carolina do enact:*

Section amended.  
Students State  
College.

SECTION 1. That the provisions of section five thousand eight hundred, Consolidated Statutes, are hereby amended to be made applicable to the students of the North Carolina State College of Agriculture and Engineering so far as it relates to free tuition, and



the faculty of the said college are authorized and empowered to grant free tuition to students at said college under the same circumstances as free tuition is now granted to students of the University of North Carolina. Free tuition.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed. Repealing clause.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 20th day of August, A.D. 1924.

## CHAPTER 27

AN ACT TO AMEND SECTION 1443, ARTICLE 6, CHAPTER 27, OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA, RELATING TO THE SUPERIOR COURTS OF HAYWOOD COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the paragraph of section one thousand four hundred and forty-three of chapter twenty-seven, article six, relating to the Superior Courts of Haywood County, in the Twentieth Judicial District, be and the same is hereby amended by inserting after the word "September" in lines five and six the words "for civil cases only." Section amended.  
Term for civil cases.

SEC. 2. That all criminal cases standing for trial at September term, one thousand nine hundred and twenty-four, of the Superior Court of Haywood County, and bonds taken for appearance of any person indicted returnable at said term of court, are continued to November term, one thousand nine hundred and twenty-four, of said court for trial. Criminal cases continued.  
Bonds for appearance.

SEC. 3. That the Secretary of State, upon the ratification of this act, is directed to certify a copy of the same under his official seal to the clerk of the Superior Court of Haywood County. Secretary of State.  
Copy of act to clerk of court.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified this the 20th day of August, A.D. 1924.

## CHAPTER 28

AN ACT TO PROVIDE SIX MONTHS SERVICE FOR GRAND JURIES IN SCOTLAND COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That at each November term of the Superior Court hereafter held for the county of Scotland the grand jury drawn as now provided by law shall be charged by the presiding judge Drawn at November term.

Length of service.	as provided by law, and said grand jury shall serve until the next succeeding June term of the Superior Court for Scotland County
Drawn at June term.	and until its successor has been drawn and has qualified; that at each June term of the Superior Court hereafter held for the county of Scotland the grand jury drawn as now provided by law shall be charged by the presiding judge as provided by law, and
Length of service.	said grand jury shall serve until the next succeeding November term of the Superior Court for Scotland County and until its successor has been drawn and has qualified; that said grand jury shall attend every term of the Superior Court held in said county in which criminal cases may under the law be tried during the term of service of said grand jury and until it has been discharged;
Attendance of grand jury.	that at any time the judge of the Superior Court presiding over either criminal, civil, or mixed terms of court in said county may call said grand jury to assemble and may deliver unto said grand jury an additional charge; that the judge of the Superior Court presiding over either criminal, civil, or mixed terms of court in said county may at any time discharge said grand jury from further service, in which event he shall cause a new grand jury to be drawn and qualified, which shall serve out the unexpired term of said grand jury so discharged; that said grand jury shall be subject to call for session and service at any time by the presiding judge, the solicitor of the district, or the foreman of said grand jury.
Judge may call.	
Judge may discharge.	
New grand jury.	

SEC. 2. That while in session, or otherwise actually engaged in the performance of their duties as members of said grand jury, the members thereof shall be paid and compensated as follows:

Compensation.

Six dollars per day shall be paid the foreman and four dollars per day shall be paid to the other members of said grand jury.

Repealing clause.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified this the 20th day of August, A.D. 1924.

## CHAPTER 29

AN ACT TO REPEAL CHAPTER 223, PUBLIC LAWS OF 1923, RATIFIED MARCH 3, 1923, ENTITLED "AN ACT TO AMEND THE CONSTITUTION OF THE STATE OF NORTH CAROLINA, TO PROVIDE FOR THE INVIOABILITY OF SINKING FUNDS."

*The General Assembly of North Carolina do enact:*

Section repealed.  
Constitutional amendment.

SECTION 1. That section two hundred and twenty-three of the Public Laws of one thousand nine hundred and twenty-three, ratified March third, one thousand nine hundred and twenty-three, and

entitled "An act to amend the Constitution of the State of North Carolina to provide for the inviolability of sinking funds," be and the same is hereby repealed. Inviolability of sinking funds.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 21st day of August, A.D. 1924.

### CHAPTER 30

AN ACT TO AMEND CHAPTER 57 OF THE PUBLIC LAWS OF 1923, BEING "AN ACT TO AMEND SECTION 4410 OF THE CONSOLIDATED STATUTES, RELATING TO THE CARRYING OF CONCEALED WEAPONS."

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter fifty-seven of the Public Laws of nineteen hundred and twenty-three be and the same is hereby amended by inserting in line one of section two of said chapter, between the word "of" and the word "Halifax," the following: "Franklin." Law amended.  
Franklin County.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed. Repealing clause.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 21st day of August, A.D. 1924.

### CHAPTER 31

AN ACT TO AMEND THE CONSTITUTION OF THE STATE OF NORTH CAROLINA, RELATIVE TO COMPENSATION OF MEMBERS OF THE GENERAL ASSEMBLY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Constitution of the State of North Carolina be and the same is hereby amended in manner and in form as follows: Strike out all of section twenty-eight, article two, and insert in lieu thereof the following: Section constitution stricken out.

"SEC. 28. *Pay of members and officers of the General Assembly; extra session.* The members of the General Assembly for the term for which they have been elected shall receive as a compensation for their services the sum of six hundred dollars for a session of not exceeding sixty days; and should they remain longer in session, they shall serve without compensation. They shall also be entitled to receive ten cents per mile, both while coming to the seat of government and while returning home, the said distance to be computed by the nearest line or route of public travel. The com- Compensation for regular session.  
  
Mileage.  
  
Compensation of presiding officers.

- Extra session.      pensionation of the presiding officers of the two houses shall be the same as members. Should an extra session of the General Assembly be called, the members and presiding officers shall receive two hundred dollars (\$200) for a period not exceeding twenty days."
- Amendment to be submitted to voters.      SEC. 2. That this amendment shall be submitted to the qualified voters of the whole State at the next general election, to be held in November, one thousand nine hundred and twenty-four.
- Ballots: How worded.      SEC. 3. That the electors favoring the adoption of this amendment shall vote a ballot on which shall be written or printed "For Increase of Pay of Legislators," and those opposed shall vote a ballot on which shall be written or printed the words "Against Increase of Pay of Legislators."
- Law governing election.      SEC. 4. That the election upon the amendment shall be conducted in the same manner and under the same rules and regulations as provided by the laws governing general elections; and if the majority of the votes cast be in favor of the amendment, it shall be the duty of the Governor of the State to certify the amendment under the Seal of the State to the Secretary of State, who shall enroll the said amendment so certified among the permanent records of his office, and the same shall be in force, and every part thereof, from and after the date of such certification.
- Amendment certified by Governor.      SEC. 5. That this act shall be in force from and after its ratification.
- Secretary of State to enroll amendment.      Ratified this the 21st day of August, A.D. 1924.
- In force from date of certification.

## CHAPTER 32

### AN ACT TO AMEND SECTION 232 OF CHAPTER 136 OF THE PUBLIC LAWS OF 1923, RELATING TO LOCAL TAX DISTRICTS FORMED FROM PORTIONS OF CONTIGUOUS COUNTIES.

*The General Assembly of North Carolina do enact:*

- Section repealed.      SECTION 1. That section two hundred and thirty-two of chapter one hundred and thirty-six, Public Laws of one thousand nine hundred and twenty-three, be repealed and that the following be substituted in lieu thereof:
- Substitute section.      "SEC. 232. Local tax districts from portions of contiguous counties.
- Districts from portions of contiguous counties. Petition for district.      "a. Local tax districts may be formed as provided in this section out of contiguous portions of two or more counties.
- "The petition for such a district must be initiated as petitions for local tax elections are initiated under the provisions of this article, must be endorsed by the county boards of education of such contiguous counties and each county board of education shall certify to the board of county commissioners of its county that the

metes and bounds of the proposed joint local tax district are in accordance with and are an integral part of the lawfully adopted county-wide plan of organization in so far as they pertain to said county.

"The board of commissioners of each county, in compliance with the provisions of this article relating to the conduct of local tax elections, shall then call and hold an election in that portion of the proposed district lying in its county. Election returns shall be made from each portion of the proposed district to the board of commissioners ordering the election in that portion and the returns canvassed and recorded as required in this article for local tax districts.

Elections called.

Returns.

"b. In case the election carries in each portion of the proposed district, the several county boards of education concerned shall each pass a formal order consolidating the territory into one joint local tax district; which shall be and become a body corporate by the name and style of '.....Joint Local Tax School District of.....Counties.' The county board of education having the largest school census and the largest area in the part of the joint local tax districts lying in its county shall determine the location of the schoolhouse; but if the largest census and area do not both lie in the same county, then the county boards shall jointly select the site for the building, and in case of a disagreement they shall submit the question to the board of arbitration, consisting of three members, one member to be named by each board of education if three counties are concerned, or if there are but two counties, then each board shall choose one member and the two so named shall select a third member. The decision of the board of arbitration shall be binding upon all county boards of education concerned.

Order consolidating territory.

Corporate name.

Location of schoolhouse.

In case of disagreement.

"c. The school committee shall consist of five members, three of whom shall be appointed by the board of education of the county in which the building is to be situated and two to be appointed by the other county or counties, but the terms of office shall be so arranged that not more than two members will retire in any one year. The committee shall officially exercise such corporate powers as are conferred in this section. This said committee shall have all the powers and duties of committees of local tax districts, and in addition thereto it shall adopt a corporate seal and have the power to sue and be sued. The committee shall have the power to determine the rate of local taxes to be levied in said joint district, not exceeding the rate authorized by the voters of the district, and when the committee shall have so determined the rate of local taxes to be levied in said joint district and shall have certified same to the boards of commissioners of the several counties from which said joint district is created, the said boards of county commissioners, and each of them, shall levy said rate of

School committee.

Powers and duties.

Tax rate.



Collection of taxes.	local taxes within the portion of said joint district lying within their respective counties; and the taxes so levied shall be collected in the several counties as other taxes are collected therein, and shall be paid over by the officers collecting the same to the treasurer or other fiscal agent of the county in which the schoolhouse is located, or is to be located, to be by him placed to the credit of the joint district.
Authority to call bond elections.	"d. The committee shall have as full authority to call and hold elections for the voting of bonds of the district as is conferred upon boards of education and boards of commissioners in article twenty-two of this chapter. In calling the election for a bond issue no petition of the county board of education shall be necessary; but the election shall be called and held by the school committee of the incorporated local tax school district under as ample authority as is conferred upon both county boards of education and boards of commissioners under article twenty-two of this chapter.
No petition necessary.	When bonds of the district have been voted under authority of this section, they shall be issued subject to the limitations of article twenty-two of this chapter in the corporate name of the district, signed by the chairman and secretary of the school committee, sold by the school committee, and the proceeds thereof deposited with the treasurer of the county board of education of the county in which the school building is, or is to be, located, to be placed to the credit of the joint district, and the taxes for interest and principal shall be levied and collected as provided in subsection c above for the levy and collection of local taxes.
Bonds: How issued.	
Proceeds.	
Authority to call local tax elections.	"e. The committee shall have the same power to call and hold elections to ascertain the will of the voters of the district upon the question of increasing the local tax levy up to a maximum rate of fifty cents on the one hundred dollars (\$100) valuation of taxable property as it has in the case of bond elections. But local tax elections called and held in such joint districts shall be held under the general provisions of this article governing local tax elections, except that the district committee is hereby granted the powers of county boards of education and boards of commissioners as to local tax elections.
District committee powers.	
Building of schoolhouses.	"f. The building of all schoolhouses in such joint local tax districts shall be effected by the county board of education of the county in which the building is to be located under authority of law governing the erection of school buildings by county boards of education. It shall be lawful for the boards of education in the other county or counties to contribute to the cost of the building in proportion to the number of children shown by the official census to be resident within that part of the joint district lying within each county respectively. If the building is to be erected from moneys borrowed from the State Building Funds or from county taxation, then each county board of education shall contribute to
Contributions from other counties.	
Proportion.	
Contributions to be paid to treasurer of county board controlling erection of building.	

its construction in the proportion set out above and pay over its contribution to the treasurer of the county board having control of the erection of the building: *Provided*, it shall be lawful for the county board that controls the erection of the building to borrow from the State and lend to the district the full amount of the cost of the building in cases where the entire amount is to be repaid by the district from district funds.

Proviso: Funds borrowed from State.

"g. All district funds of a joint local tax district shall be kept distinct from all other funds, placed to the credit of the district, and expended as other local tax or district bond funds are lawfully disbursed.

District funds to be kept separate.

"h. The county board of education and county superintendent of public instruction of the county in which the schoolhouse is located shall have as full and ample control over the joint school and the district as it has in the case of other local tax districts subject only to the limitations of this section.

Control of school and district.

"i. It shall be the duty of the committee of the joint school district to prepare a budget in accordance with the law requiring budgets of special charter districts. The said budget, which shall show the proportionate part of the cost of maintenance for six months to be contributed by each county, the several parts to be ascertained on the basis of the proportions of the total district school census living in each respective county, shall be filed by the committee with the county board of education of each county, and it shall be the duty of each board, if it approves the district budget, to incorporate it in the county budget to be submitted to the commissioners in May of each year. Each of the several county boards of education is hereby directed to pay over its proportionate part of the district budget, when and as collected, to the treasurer of the board of education of the county in which the school plant is located for the purposes for which it has been levied and collected.

Budget.

Contents.

Filed with county boards of education.

Duty of boards.

Proportionate parts of budget to be paid as collected.

"j. All districts formed before the ratification of this amendment under the provisions of section two hundred and thirty-two, chapter one hundred and thirty-six, Public Laws of one thousand nine hundred and twenty-three, and all districts incorporated before the ratification of this amendment, under the provisions of section two hundred and thirty-three of said chapter, are hereby authorized and empowered to exercise all the powers and privileges conferred by this section as amended."

Certain districts previously formed are given powers and privileges of section as amended.

SEC. 2. All laws and clauses of laws in conflict with this act are hereby repealed.

Repealing clause.

SEC. 3. This act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of August, A.D. 1924.

## CHAPTER 33

AN ACT TO PROVIDE SHIP AND WATER TRANSPORTATION, TO CREATE THE PORT COMMISSION OF THE STATE OF NORTH CAROLINA, TO PRESCRIBE ITS DUTIES AND POWERS, TO AUTHORIZE THE TREASURER OF THE STATE TO ISSUE AND SELL NOT EXCEEDING \$8,500,000 OF BONDS OF THE STATE, AND PROVIDE FOR THE SUBMISSION OF THIS ACT TO THE VOTERS OF NORTH CAROLINA AT THE NEXT GENERAL ELECTION, TO BE HELD IN NOVEMBER, 1924.

Preamble: State ship and water transportation commission formerly created.

Reasons for using more fully the navigable waters of the State.

Commission authorized to investigate the practicability of establishing ports and terminals, also the cost of same.

Preamble: Commission having investigated has reported to Governor and Council of State.

Preamble: Report favors the establishment of a maritime industry on waters of State.  
Will reduce freight rates.

Wharves available.  
Sites tendered through gift.

Docks and wharves available outside of State.

Whereas the General Assembly of North Carolina, at its session in one thousand nine hundred and twenty-three, ratified, on the sixteenth day of February, chapter ninety-four of the Public Laws of said session, entitled "An act to create the State Ship and Water Transportation Commission," and declared that in order to further promote the public welfare, to provide cheaper transportation to the markets within and without the State for the products of the farms, the forests, the mines and factories of the State, and to effect cheaper transportation for commodities purchased by the people of the State both within and without the State, it was deemed advisable to use more fully the navigable rivers, sounds, and other bodies of water within the boundaries of the State, and authorized and directed said State Ship and Water Transportation Commission to carefully inquire, investigate, and ascertain the practicability of obtaining docks, wharves, and other landing places along the banks of said navigable rivers, sounds and other waters, and at towns located thereon within the State, and the feasibility of obtaining terminal facilities at towns or cities without the boundaries of the State, and the cost of building, buying, or renting the same; and

Whereas the said Ship and Water Transportation Commission has made its report in writing to the Governor and Council of State, and the same has been printed and distributed to members of this General Assembly and to other citizens of the State of North Carolina; and

Whereas in said report the said commission did express its conclusions that it is imperative for the good of the State that a maritime industry be created on the waters of the State, and that said industry will be both profitable in itself and will tend to reduce the freight rates throughout the State and place said freight rates on a parity with those of other states and localities, and that docks, wharves and landing places are available at some twenty-five or thirty towns within the State, and sites have been tendered through gift at Southport, Wilmington, New Bern, Manteo, and other places, and that docks and wharves are available in ports outside of the State on equal terms for all shipping interests; and

Whereas, in said report, the said commission did recommend that the Port Commission created by this act be authorized to purchase or lease ships, and operate the same, if in its opinion adequate shipping to carry the commerce to and from the ports established is not provided by private enterprise:

Preamble: Report recommends creation of port commission. With certain powers.

Now, therefore, in order to accomplish the public benefits set forth:

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Port Commission of the State of North Carolina be and the same is hereby created and shall have and exercise the powers and duties herein in this act prescribed and set forth. That the said Port Commission shall be composed of seven experienced business men, citizens of the State of North Carolina, to be appointed, upon the ratification of this act by this General Assembly, by the Governor of the State and confirmed by the Senate, two of whom shall be appointed for two years, and so designated; three for four years, and so designated; and two for six years, and so designated, and their successors in each class to be appointed for a term of four years. Upon the resignation, death, disqualification, or removal for cause of any member of said commission, his successor shall be appointed by the Governor for the unexpired term of such member and by him reported to the Senate at the next succeeding regular session of the General Assembly. Each of the members and their successors so appointed shall take and subscribe, before some official authorized to administer oath, an oath of office and file the same with the Secretary of State. The said board shall organize by electing one of its members chairman and another secretary, and shall elect a treasurer of said board, who shall not be a member thereof, fix his compensation, and prescribe his duties. The treasurer shall give bond in such amount as the board shall fix in some reliable surety company doing business in the State of North Carolina, and the premium required to be paid on said bond shall be paid by the said Port Commission. The said Port Commission shall meet in regular session at least once in each three months at a place and date to be fixed by said board, and shall meet in special session at such other times and places as the chairman of said commission or any two members thereof may request. The compensation of said board shall be.....dollars for each day in attendance upon any regular or special meeting of said Port Commission, and the actual expenses incurred traveling to and from said place or places of meeting and while in attendance upon said meetings.

Port commission created.

Composed of seven business men.

How appointed.

Lengths of appointments.

Vacancies: how filled.

Oaths of office.

Organization of commission. Officers.

Treasurer's bond.

Premium.

Meetings of commission.

Compensation.

SEC. 2. The said Port Commission is hereby authorized, directed and empowered to establish port facilities and port terminals at such places in the State of North Carolina upon the navigable rivers, sounds and other navigable waters within the borders of the State of North Carolina as they may deem necessary and wise for

Powers and duties. Establish port terminals and facilities.



## Purpose.

Authorized to acquire property necessary for port developments.

Power to condemn.

Lands belonging to State or State Board of Education.

Construct wharves, docks, warehouses, elevators, etc.

Machinery to handle freight.

Proviso: Cost of developing ports as authorized in this section not to exceed \$7,000,000.

Employ skilled engineer.

Engineer to report to commission.

Other aid may be resorted to for purpose of securing information.

General manager of each terminal.  
Charges for use of piers, wharves, warehouses, etc.  
Rules and regulations governing use of terminals.  
Employ persons to work at terminals.

the building up, fostering and encouraging the transportation of the products of the farms, the forests, mines and factories of the State, and the transportation by water of commodities purchased by the people of the State, both without and within the State, including inland, coastwise, and foreign commerce, and for this purpose and all purposes of this act, the said Port Commission of the State of North Carolina is hereby authorized and empowered to acquire by purchase in fee, to receive by gift or devise, and to condemn whenever necessary, and to use any of the water fronts or river fronts and navigable sounds, bays and rivers of the State now belonging to the State or to the State Board of Education, such lands, water fronts as may be necessary at each terminal so established by the said Port Commission, and to build, erect and construct of such material as the said Port Commission shall deem wise all piers, docks, wharves, sheds, warehouses, grain elevators and coal bins or coal elevators, and to install such machinery as may be necessary to efficiently and expeditiously handle all freight of every kind and nature that may be delivered to said docks, piers and wharves for shipment by water or by rail or any other means of transportation: *Provided, however,* that the total expenditures for the purchase of all land, rights of way, erection and construction of all piers, wharves, docks, sheds, and other structures and the purchase and installation of all such machinery as may be needed as authorized in this section shall not exceed the sum of seven million dollars (\$7,000,000). Before erecting or constructing the piers, wharves or docks or other buildings, or the installation of the necessary machinery and appliances, the said Port Commission is directed to employ an experienced, skillful and competent engineer, who shall examine the location at which the terminal is to be erected, and report to said Commission what water fronts or lands are required at such terminal, what piers, wharves, docks and other buildings are suitable and necessary, and an approximate cost of the same, and the said Port Commission is further directed to employ such other aid as in their judgment is necessary to further inform them of the cost and the probable tonnage available at such terminals, and to investigate, ascertain and determine all other facts and information relative to and bearing upon the advisability of locating a port terminal on any navigable river, inland waterway, sound or bay within the borders of the State, and at such terminals so established, erected and constructed by said Port Commission, the said Port Commission is authorized and directed to appoint a general manager of each terminal and to fix reasonable charges and fees for the use of said piers, docks, wharves and storage warehouses and other structures erected by it, and to make such reasonable rules and regulations as may be necessary in the management of such terminals, and to employ such number of persons



as may be necessary to efficiently and promptly handle all freight tendered at such terminals, and to fix the wages and compensation of all persons employed by it.

SEC. 3. That the Port Commission is authorized to purchase or lease, or to purchase and lease, such number and size ships, vessels and boats by whatever name called, and operate the same, when in its opinion adequate shipping is not provided by private enterprise to carry the commerce tendered at the ports established by the Commission, and to use such part of the proceeds of the bonds hereinafter authorized as may be required to pay for said ships, vessels or boats, but in no event to exceed one and one-half million dollars (\$1,500,000), and if the said Port Commission shall hereunder operate any ships, vessels or boats, whether purchased or leased, it shall publish and maintain adequate schedules and render adequate service, and shall collect and receive reasonable charges without discrimination for merchandise transported, and is authorized to classify the commerce so carried, and fix and publish the rates of transportation. The said Port Commission shall, from the revenues received from transportation charges and, if required, from any other revenues received by it, pay the expense and costs of operating said vessels, ships or boats operated by it.

May purchase or lease vessels.

Operation.

Should private enterprise not provide adequate shipping.

For this purpose not more than \$1,500,000 to be used.

Schedules and service.

Charge for merchandise transported.

Use of revenues.

SEC. 4. It shall be the duty of the Port Commission to file with the Governor of the State annually a report showing the ports established, the piers, wharves, docks, warehouses and other buildings erected at each and every port, and the cost thereof, the cost of operation at each port, and the receipts from each port, which said reports shall be transmitted by the Governor to the next regular session of the General Assembly of North Carolina.

Annual report to Governor.

Contents.

From Governor to next regular session of general assembly.

SEC. 5. That whenever it shall become necessary for the Port Commission to exercise the right of eminent domain and to acquire any land, water frontage or right of way by condemnation, the said Port Commission is authorized to institute a proceeding in the Superior Court of the county in which such property is situate, making parties to it all persons interested in the ownership of said property, and the procedure shall be substantially the same as that set forth in Consolidated Statutes, chapter thirty-three, article two.

Eminent domain.

Proceedings: how instituted.

SEC. 6. That for the purpose of providing funds for carrying out this act, the Treasurer of the State of North Carolina is hereby authorized and directed to issue bonds of the State of North Carolina payable in the manner and at the dates herein prescribed to an amount not exceeding eight million five hundred thousand dollars (\$8,500,000). Said bonds shall be issued from time to time at the request of the said Port Commission of North Carolina, upon the approval of the Governor and Council of State.

Bonds authorized to be issued.

When issued.

SEC. 7. All of said bonds shall bear interest at a rate not exceeding five per centum per annum from the date of said issue

Interest.

Date.	until paid, and the said bonds shall bear such date as may be fixed by the said Port Commission. Interest shall be paid semi-annually on the dates fixed by the said Port Commission.
Coupon or registered bonds.	SEC. 8. That the bonds authorized and directed to be issued by the preceding sections shall be either coupon bonds or registered
Denomination.	bonds of the denomination of one thousand dollars (\$1,000) or more each, as may be determined by the said State Treasurer, and
How signed and sealed.	shall be signed by the Governor of the State and the State Treasurer, and sealed with the Great Seal of the State. The coupons
Coupons.	thereon may be signed by the State Treasurer alone or may have a facsimile of his signature printed, engraved or lithographed thereon, and the said bonds shall in all respects be in such form as the State Treasurer shall direct, and there shall be printed, engraved or lithographed in said bonds the words "For Port Terminal Improvements"; and the coupons thereon shall after maturity be receivable in the payment of all taxes, debts, dues, licenses, fines and demands due the State of North Carolina of any kind whatsoever, which shall be expressed on the face of said bonds. Before selling any of the bonds herein authorized to be issued, the State Treasurer shall advertise the sale and invite sealed bids in such manner as in his judgment may seem to be most effectual to secure the par of said bonds at the lowest rate of interest not exceeding five per centum: <i>Provided</i> , that no bids shall be received and none of the bonds herein authorized to be issued shall be sold at less than par value of the bonds, plus accrued interest thereon. He is authorized to accept a single bid for the entire issue offered at any one time or for any portion thereof, and where the conditions are equal, he shall give preference of purchase to the citizens of North Carolina. The bonds shall be due and payable thirty years from the date of their issue.
Advertisement.	SEC. 9. The said bonds and coupons shall be exempt from all State, county, or municipal taxation or assessment, direct or indirect, general or special, whether imposed for purpose of general revenue or otherwise, and the interest paid thereon shall not be subject to taxation as for income, nor shall said bonds or coupons be subject to taxation when constituting a part of the surplus of any bank, trust company, or other corporation. And it shall be lawful for executors, administrators, guardians and fiduciaries generally to invest in said bonds.
Proviso: Bonds shall not be sold for less than par value and accrued interest.	
Bids offering to purchase.	
Bonds to be due in thirty years.	
Exempt from taxation.	
Fiduciaries may invest in bonds.	
Full faith and credit of State pledged.	SEC. 10. The full faith and credit of the State is hereby pledged to the payment of principal and interest of said bonds, and both principal and interest of said bonds shall be payable in gold coin of the United States of America of the present weight and fineness.
Revenue derived from operation of terminals.	SEC. 11. The revenue derived from tolls, fees, and charges made for the use of the piers, docks, wharves, sheds, warehouses, grain elevators, coal elevators, and others structures and machinery erected, built, and constructed by the Port Commission under

the provisions of this act shall be used to pay the expense of the said Port Commission and all of its employees, agents and managers and engineers; repairs, insurance and maintenance, and the construction of other structures that may be necessary to promote the interests intended to be fostered by this act; to pay the interest on said bonds, and the surplus or such part of it as in the judgment of the Port Commission may be necessary shall be set apart and paid to the State Treasurer of North Carolina as a sinking fund to provide for the payment of the said bonds at their maturity.

To pay expenses of commission.

Pay interest on bonds.  
Surplus into sinking fund.

SEC. 12. This act shall not be effective; nor any of the provisions or stipulations thereof, except the appointment of the members of the Commission until it shall have been approved by a majority of the voters of the State, who shall vote their approval of the said act at an election to be held at the next general election in the State of North Carolina for the election of members of the General Assembly of said State, to wit: November, one thousand nine hundred and twenty-four. It shall be the duty of the State Board of Elections to print and distribute ballots for said election at the same time and in the same manner, and to the same election officers as shall hold the next general election in said State for members of the General Assembly, and it shall be the duty of the county boards of elections of the several counties of the State to provide at said election a box to be used especially for the ballots cast for approval or disapproval of this act and its provisions. That those who favor this act and its provisions, and the issue of bonds herein authorized, shall vote at said election a ballot written or printed which shall contain the following words: "For Establishment of Port Terminals and Water Transportation," and those who are opposed to the provisions of this act and the issue of the bonds herein authorized shall vote a ballot written or printed which shall contain the following words: "Against Establishment of Port Terminals and Water Transportation." And it shall be the duty of the State Board of Elections to furnish blanks to all of the election officers of the State of North Carolina holding said election in the several precincts of the several counties of the State upon which they shall make returns of the ballots so cast, and the said precinct election officers are hereby directed to count said ballots cast in said box, fill the blanks furnished by the State Board of Elections, and return the same as returns are made for the election of State officers, and the said county boards of elections shall make up and certify the returns from their respective counties as returns are made for the election of State officers, and the same shall be canvassed and the result declared by the Legislature of North Carolina as the results of the election of State officers are declared, and at the same time. If at said election herein provided a majority of the votes cast shall be for the establishment of port terminals and water transportation, then this act shall be in full force and effect in all of its provisions, but

Act not effective until approved by majority of voters of State.

Election November, 1924.

Duty of State Board of Election.

Duty of county boards of election.

Ballots.

Blanks for election returns.

Precinct election officers.

Returns by counties.

Results: How canvassed and declared.  
Effect of election.

if a majority of the votes cast at said election shall be against the establishment of port terminals and water transportation, then this act and all of its provisions shall be of none effect.

Secretary of State  
to print 100,000  
copies of act.

By October 1, 1924.

SEC. 13. It shall be the duty of the Secretary of State of North Carolina to have printed and distributed in the State of North Carolina one hundred thousand copies of this act by the first day of October, one thousand nine hundred and twenty-four.

SEC. 14. This act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of August, A.D. 1924.

### CHAPTER 34

AN ACT TO PLACE THE NAME OF MRS. MARY PERSON MOORE, OF NORTHAMPTON COUNTY, WIDOW OF A CONFEDERATE VETERAN, ON THE PENSION ROLL.

*The General Assembly of North Carolina do enact:*

Mrs. Mary Person  
Moore.  
Pension allowed.

SECTION 1. That Mrs. Mary Person Moore, of Northampton County, widow of James Blount, a Confederate veteran, be and she is hereby allowed the regular pension accruing to widows of Confederate veterans under the pension laws of the State.

Name placed on  
pension rolls.

SEC. 2. That the State Auditor is authorized and directed to place the name of Mrs. Mary Person Moore upon the pension rolls of his office and pay to her the pension as prescribed in section one of this act.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 21st day of August, A.D. 1924.

### CHAPTER 35

AN ACT TO ALLOW BROKERAGE OR COMMISSIONS, NOT EXCEEDING ONE AND ONE-HALF PER CENT, ON NOT LESS THAN NINE YEARS REAL ESTATE MORTGAGE LOANS.

*The General Assembly of North Carolina do enact:*

Real estate  
mortgage loans.

SECTION 1. That any individual or corporation authorized by law to do a real estate mortgage loan business may make or negotiate loans of money on notes secured by mortgages or deeds of trust on real estate bearing legal interest payable semi-annually at maturity or otherwise, and in addition thereto, may charge, collect and receive such commission or fee as may be agreed upon not exceeding one and one-half per cent per annum for the making

Commission  
allowed.



or negotiating of any such loan: *Provided*, that such loans are payable in not less than nine annual installments any one of which installments shall not amount to more than fifteen per cent of the aggregate principal of the loan.

Proviso: If loans shall be payable and amount of installments.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

Repealing.

SEC. 3. That this act shall apply only to the counties of Buncombe, Madison, Yancy, Henderson, and McDowell.

Counties to which act applies.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified this the 21st day of August, A.D. 1924.

### CHAPTER 36

#### AN ACT TO ESTABLISH A DIVIDING LINE BETWEEN THE COUNTIES OF CALDWELL AND WATAUGA.

*The General Assembly of North Carolina do enact:*

SECTION 1. The dividing line between the counties of Caldwell and Watauga shall hereafter be as follows: Beginning at the top of the White Rock Mountain and running thence to the top of the Blue Ridge Mountain at the point nearest to the Yadkin Spring, which is at a point in the low gap of the water divide of the Blue Ridge immediately in front of the Green Park Hotel and about fifty feet from the center of the State Highway from Lenoir to Boone; thence to the center of said highway aforesaid; thence with the center of said highway to a point therein on the top of the said Blue Ridge, and on the said water divide near the residence of Washington Clark; thence with the top of said water divide of the Blue Ridge to a large rock near to the Weeden residence and near Grand View; thence with the present line straight to the top of Grandfather Mountain: *Provided, however*, the Green Park Hotel building and the lands of Everett Pitts shall be located in Watauga County.

Course of dividing line.

SEC. 2. The line aforesaid shall be run and marked by S. B. Howard, of Morganton, North Carolina, who is hereby designated as special commissioner for that purpose. He shall run and mark the said line at as early date as practicable and mark and place permanent markers at a sufficient number of places so that the line established by this act can be reestablished at any time. He shall make a report setting forth a specific location of said line to the respective boards of commissioners of Caldwell and Watauga counties, and it shall be entered in the minute docket of said boards, and also registered as a deed, and a copy of said report shall also be filed with the Historical Commission of North Carolina and with the Secretary of State. The expense of said surveys, location, and marking shall be borne equally by Caldwell and Watauga counties.

Proviso: Certain property to be located in Watauga County.

S. B. Howard to run line.

Line to be marked.

Report.

Entered on minute dockets. Registered as a deed. Copy filed with historical commission and Secretary of State. Expense of surveys



Right to make  
arrests.

SEC. 3. The sheriffs of Caldwell and Watauga counties, and other peace officers thereof, as well as the officers of the town of Blowing Rock, shall have the right to make arrests within one mile of the dividing line aforesaid, irrespective of the fact that such officer may not at the time of making such arrest be in his own county.

Land lying jointly  
in two counties:  
how assessed for  
taxation.

SEC. 4. If any tract shall lie jointly in the counties of Caldwell and Watauga, the tax assessment shall be made and the amount that should be assessed by the said two counties, respectively, shall be determined by the tax supervisors of Caldwell and Watauga counties; and if they cannot agree, the Commissioner of Revenue shall designate some person to adjust the difference between said two supervisors, and the decision of any two of them shall be final.

Adjustment of  
disagreement.

SEC. 5. This act shall be in force from and after its ratification. Ratified this the 21st day of August, A.D. 1924.

## CHAPTER 37

### AN ACT TO PROVIDE THE AUSTRALIAN BALLOT FOR CERTAIN COUNTIES.

*The General Assembly of North Carolina do enact:*

Ballots in elec-  
tions under this  
act.

SECTION 1. All ballots cast in any election in this State, held under the provisions of this act, general, special, or primary, or in any vote upon a constitutional amendment or question submitted to the people, whether it be a State, district, county, township, or municipal election or vote, shall, subject to the succeeding provisions hereof, be prepared, printed, and distributed in the manner hereinafter set forth, and in no other.

Eight kinds of  
ballots.

SEC. 2. There shall be eight kinds of ballots, called, respectively: official ballot for presidential electors; official general ballot; official township ballot; official city ballot; official ballot on constitutional amendment (or proposition submitted); official township primary ballot. They shall be used for the purposes for which their names severally indicate, and not otherwise, that is to say:

Official ballot for  
presidential  
electors.  
Names of  
candidates.

On the official ballot for presidential electors the names of the candidates for presidential electors of each party, and of each group of independent candidates, if any, shall be printed in one column, indicating first, the candidates for electors at large, whose names shall be printed in the alphabetical order of surnames; and second, the candidates for electors of each district arranged in numerical order of their districts. The party columns may be separated by black lines. At the head of each party column may be printed the party name in large type, and below this circle

Party columns.

one-half of an inch in diameter; below this the names of the candidates of that party for President and Vice-President; below this the names of the candidates in order prescribed above. At the left of the name of each elector shall be printed a voting square. All the voting squares shall be printed in the same perpendicular line. Each party circle shall be surrounded by the following instructions plainly printed: "For a straight ticket, marked within this circle." The columns for independent candidates shall be similar to the party columns, except that above the emblem in each column shall be printed the words, "Independent Candidate." The columns shall be arranged upon the ballots as directed by the county board of elections.

Names of candidates.

Voting square.

Party circle.

Independent candidates.

On the face of the ballot, at the top, shall be printed in heavy black type the following instructions:

Instructions.

1. To vote for all the electors of any one party, make a cross (X) mark in the circle above the party column.

Straight ticket.

2. To vote for some but not all the electors of one party, make a cross (X) mark in the square at the left of the name of every candidate printed on the ballot for whom you wish to vote. If you mark any one elector you must mark all for whom you wish to vote. A mark in the circle will not be counted if any one elector is marked.

Vote for some, but not all the electors of one party.

3. Mark only with a pencil having black lead.

Pencil.

4. Any other mark or erasure or tear on the ballot renders it void.

Erasures.

5. If you tear or deface or wrongly mark this ballot, return it and obtain another.

New ballot.

On the back of the ballot just to the right of the center and outside when the ballot is folded shall be printed the following endorsement, the blanks being properly filled:

Wording on back of ballot.

#### OFFICIAL BALLOT FOR PRESIDENTIAL ELECTORS.

County of.....

..... (Date of election)

(Facsimile of signature of Chairman of County Board of Elections.)

B. On the official general ballot shall be printed the names of all candidates for public office except candidates for presidential electors, township and city offices, and the names of the candidates for all public offices, other than those excepted above, of each party and each group of independent candidates, if any, shall be printed in one column and the party columns may be parallel to each other, and may be separated by black lines, at the head of each party column shall be printed the party name and under this shall be a blank circle one-half of an inch in diameter, which party circle

Official general ballot.

Names of candidates appearing thereon.

Party columns.

Party circle.

Independent column.	shall be surrounded by the following instructions plainly printed: "For a straight ticket, mark within this circle." The columns for the independent candidates shall be similar to the party columns, except that above each column shall be printed the words "Independent Candidate." In each party column the names of all nominees of that party shall be printed in the customary order of the office, and the names of all candidates of each party for any one office shall be printed in a separate section, and at the top of each section shall be printed on one line the title of the office and a direction as to the number of candidates for whom a vote may be cast, unless there shall not be room for the direction, in which case it shall be printed directly below the title. If two or more candidates are nominated for the same office for different terms, the term for which each is nominated shall be printed as a part of the title for the office. Each section shall be blocked in by black lines and the voting squares shall be set in a perpendicular column or columns to the left of each voter's name. The printing on said ballot shall be plain and legible, and in no case shall it exceed in size eight-point type.
Names of nominees.	
Two or more candidates for same office for different terms.	
Printing on ballots.	
Instructions.	On the top of the face of the ballot shall be printed the following instructions:
Straight ticket.	1. To vote a straight ticket make a cross (X) mark in the circle of the party you desire to vote for.
Vote for some, but not all the candidates of one party.	2. To vote for some but not all the candidates of one party, make a cross (X) mark in the square at the left of the name of every candidate printed on the ballot for whom you wish to vote. If you mark any one candidate you must mark all for whom you wish to vote. A mark in the circle will not be counted if any one candidate is marked.
Pencil.	3. Mark only with a pencil having black lead.
Erasures.	4. Any other mark, erasure, or tear on this ballot renders it void.
New ballot.	5. If you tear or deface or wrongly mark this ballot, return it and get another.
Wording on back of ballot.	On the back of the ballot and just to the right of the center and outside when the ballot is folded shall be printed the following endorsement, the blanks being properly filled:

OFFICIAL GENERAL BALLOT.

County of.....  
.....(Date of election)

(Facsimile of signature of Chairman of County Board of Elections.)

Official township ballot.	C. On the official township ballot shall be printed the names of all candidates for township offices. It shall conform as nearly as possible to the rules prescribed for printing the official general ballot. But on the back thereof shall be printed:
To conform to rules governing official general ballot.	
Wording on back of ballot.	

## OFFICIAL TOWNSHIP BALLOT.

County of.....  
 ..... Township  
 ..... (Date of election)  
 (Facsimile of signature of Chairman of County Board of Elections.)

D. On the official city ballot shall be printed the names of all candidates for city or town offices. It shall conform as nearly as possible to the rules prescribed for printing the official general ballot. But on the back thereof shall be printed:

Official city  
 ballot.  
 To conform to  
 rules governing  
 official general  
 ballot.  
 Wording on back  
 of ballot.

## OFFICIAL CITY BALLOT.

City (or Town) of.....  
 ..... (Date of election)  
 .....  
 (Facsimile of signature of City Clerk.)

*Provided, however,* that if such city or town elections are or shall be nonpartisan no party names or emblems shall appear upon such ballot.

Proviso: If elec-  
 tions are non-  
 partisan, no party  
 names or emblems  
 to appear on  
 ballot.  
 Official ballot on  
 constitutional  
 amendment or  
 proposition sub-  
 mitted.

E. On the official ballot on constitutional amendment (or proposition submitted) shall be printed each amendment or proposition submitted in the form laid down by the Legislature, county commission, convention, or other body submitting such amendment or proposition. Each amendment or proposition shall be printed in a separate section and the sections shall be numbered consecutively, if there be more than one. At the left of each question shall be printed two voting squares, one above the other, each at least one-fourth ( $\frac{1}{4}$ ) inch square. At the left of the upper square shall be printed the word "Yes," and at the left of the lower square shall be printed the word "No." At the top of the ballot shall be printed the following instructions:

Voting squares.

Instructions.

1. To vote "Yes" on any question, make a cross (X) mark in the square to the left of the word "Yes."

To vote "yes."

2. To vote "No" on any question, make a cross (X) mark in the square to the left of the word "No."

To vote "no."

3. Mark only with a pencil having black lead.

Pencil.

4. Any other mark, erasure, or tear on this ballot renders it void.

Erasures.

5. If you tear or deface or wrongly mark this ballot, return it and get another.

New ballot.

On the back of each ballot shall be printed:

Wording on back  
 of ballot.

## OFFICIAL BALLOT ON CONSTITUTIONAL AMENDMENT.

(Or proposition submitted.)

County of.....  
 ..... (Date of election)  
 .....  
 (Facsimile of signature of Chairman of County Board of Elections.)

Official ballot on city proposition. In form prescribed by authority submitting question. To conform to ballot on constitutional amendment. Wording on back of ballot.

F. On the official ballot on city proposition shall be printed any proposition to be submitted to the people of any city or town, in the form prescribed by the authority submitting the proposition. It shall conform as nearly as possible to the rules prescribed for the official ballot on constitutional amendment. But on the back thereof shall be printed :

OFFICIAL BALLOT ON CITY PROPOSITION.

City of.....  
..... (Date of election)

(Facsimile of signature of City Clerk.)

Official general primary ballot. Form for each party.  
  
Color of ballots.  
  
Voting squares.  
  
Size of type.  
Names of candidates.

G. There shall be one form of official general primary ballot for each political party, upon which shall be printed the names of all candidates for nomination by that political party who are or may be required by law to be nominated in the official primaries, except the names of candidates for township or city offices. The ballots of no two parties shall be of the same color; then county board of elections of the county in which the primary is to be held shall designate the color of ballot for each party; each ballot shall be printed in sections in which the candidates' names with the voting squares shall be boxed in by black lines. Sections may be printed in as many columns as may be necessary. The voting squares shall be bounded by black lines and shall be set in perpendicular line. The size and type of printing shall be plain and legible, but in no case shall larger type be used than eight-point type. The names of all candidates for any one office shall be printed in a separate section, and the section shall be in the same order as upon the official general ballot. The names of candidates shall be printed in their approximate sections and shall be printed in the alphabetical order of the surnames, and in case two candidates for the same office have surnames beginning with the same letter of the alphabet, the chairman of the board of elections shall select by lots in the presence of the candidates interested the one whose name shall be printed first on the ballot. The voting squares and arrangement of the official primary ballot and the size of type used shall be the same as prescribed for the official general ballot of section four of this compilation.

Instructions.

On the top of the face of the ballot shall be printed the following instructions :

1. To vote for a candidate on this ballot, make a cross (X) mark in the square at the left of his name.
2. Mark only with a pencil having black lead.
3. Any other mark, erasure, or tear on this ballot renders it void.
4. If you tear or deface or wrongly mark this ballot, return it and get another.



Immediately under the instructions shall be printed the following:

OFFICIAL GENERAL PRIMARY BALLOT FOR PRIMARY.

Election of the.....Party.

(The blank being properly filled in.)

On the back of the ballot shall be printed the following:

Wording on back of ballot.

.....Party.

.....(Party emblem)

OFFICIAL GENERAL PRIMARY BALLOT.

County of.....

.....(Date of primary)

.....

(Facsimile of signature of Chairman of County Board of Elections.)

H. The official township primary ballot shall be printed in the same form as the official general primary ballot and in the same colors, except that the title shall be changed on the face of the ballot, and on the back thereof to read "Official township primary ballot," and on the back the words ".....Township" shall be substituted for "County of....."

Official township primary ballot.

Same form as general primary ballot.

I. In all city and town primaries, if there be such under present or future provisions of law, a ballot shall be used conforming as nearly as possible to the rules prescribed for the official general primary ballot, or if the primary be nonpartisan, a ballot conforming as nearly as possible to the rules prescribed for the official city ballot. The governing board of the city or town shall prescribe the form for such ballots and shall have power to make such changes in the form thereof as conditions may require.

City and town primaries.

Governing board to prescribe form of ballot.

If any questions or propositions shall be submitted to the people of any township, district, or other political subdivision, a ballot shall be used conforming as nearly as possible to the rules prescribed for the official ballot on constitutional amendment. The county board shall prescribe the rules therefor if it be a question submitted to a township or subdivision within a county, and the State Board if it be a question submitted to a subdivision covering all or a part of more than one county.

Questions or propositions for township or district.

Form of ballot.

SEC. 3. Notwithstanding any of the preceding provisions hereof, the county board of elections may, in their discretion, change the form of ballots hereinbefore provided for; and in their discretion may combine all the several ballots hereinbefore provided for into one ballot; or may combine any two or more of them into one ballot, or may in their discretion permit ballots to be cast for township officers or constitutional amendments or propositions to be in the form heretofore in use. The county boards of election may cause by black ruled lines the names of candidates for presidential

County board of elections may change form of ballots.

electors, State officers, county officers, and township officers to be kept separate with a designation by party circle up at the head of each of said divisions. The county boards of election in their discretion, and the town commissioners in their discretion, may hold their primary and city elections under the provisions of the State law regulating elections.

Printing and material used for ballots.

SEC. 4. All official ballots shall be printed with black ink on paper of good quality through which the printing and writing cannot be read, which paper, except in the case of partisan primary ballot, shall be white and shall in all cases be clear, legible, and easy to read, but the county board of elections shall not be required to print said ballot in larger type than eight-point type. All ballots of the same kind for the same polling place shall be precisely of the same size, quality, and shade of paper and of precisely the same kind and arrangement of type and tint of ink. A different but uniform kind of type shall be used for printing the names of candidates, the title of offices, party names or political designations and the reading form or constitutional amendments or other questions submitted.

Uniform ballots.

Duty of state board of elections to transmit form of ballot to county boards.

SEC. 5. Not less than twenty (20) days before any State-wide or district-wide election or vote upon any constitutional amendment or proposition, the State Board of Elections shall transmit to the county board of elections of each county in which any of the electors may by law vote upon any of the candidates, amendments, or propositions, a form to be used in printing the ballots to be used in such election or vote, which form shall be as herein prescribed. The State Board shall upon such form exhibit the names of all candidates whose names are entitled to appear upon the ballot in the order in which they should appear, including the names of all such nominees as are upon the records of the State Board and leaving blanks arranged in the proper order to be filled in by the county board with such names as are upon the record of the county board. Or if the vote be upon a constitutional amendment or question submitted, they shall upon such form exhibit the form of the amendment or question as prescribed by the proper authority. The State Board of Elections shall at the same time prescribe and transmit to the county boards of elections such other rules as are necessary to carry out the provisions of this act. In case a nomination shall be made in accordance with law, either to fill a vacancy or otherwise, after such form shall have been transmitted, the State Board of Elections shall as soon as possible transmit such corrections as may be necessary.

Form described.

Rules to be transmitted to county boards.

Corrections to be transmitted.

Nominations to be certified to state board of elections.

Nominations certified to county board.

SEC. 6. All nominations for public office, whether to fill vacancies or original nominations made in accordance with law otherwise than through the official primaries shall be by the body or persons making such nominations immediately certified to the State Board of Elections in the case of National, State, or district offices, and to the county board of elections of the proper county in the

case of all other offices, except city or town offices, which shall be certified to the governing board of such city or town.

Governing board  
of city or town.

SEC. 7. The county board of elections in each county shall be charged with the duty of preparing, printing, and distributing all ballots for general, special, and primary elections, and all ballots for constitutional amendments or propositions submitted, except ballots for city or town elections or votes. The governing body of each city or town shall be charged with the duty of preparing, printing, and distributing the ballots for such city or town elections of votes. But the county board of elections and the city or town governing bodies shall in all respects conform to the rules laid down in this act and to the rules prescribed as authorized by this act by the State Board of Elections.

Duty of county  
board of elections.

City and town  
elections.

SEC. 8. When corrections in the ballot shall become necessary after the ballots shall have been printed, and it shall not be practicable to reprint, changes may be made by the county board of elections or the city governing board either by affixing poster or stamping or writing new matter upon each ballot. But all such changes shall be made upon each and every ballot, and in like manner upon each before it shall be delivered to the voter.

Corrections in  
ballot.

SEC. 9. The county board of elections or city governing board, as the case may be, shall cause to be delivered to either of the judges of election not less than twelve hours before the time fixed for opening the polls one hundred twenty-five (125) ballots of each kind to be used in his precinct for every one hundred voters entitled to vote at such precinct. Such ballots shall be put in separate sealed packages of fifty (50) ballots each, plainly marked on the outside to indicate the polling place for which they are intended and the number of ballots, and the kind of ballots enclosed, and receipts therefor shall be given by the judge of election to whom they are delivered, which receipt shall be preserved by the county board of elections or city governing board.

Ballots to be  
delivered to the  
judge of election.

Sealed packages.

Receipts.

SEC. 10. The county board of elections or city governing board shall provide separate ballot boxes for each kind of official ballots and one additional box in which shall be deposited all defective, spoiled and mutilated ballots. Each shall be distinctly and appropriately marked. Each box shall be supplied with a sufficient lock and key with an opening in the top large enough to allow a single folded ballot to be easily passed through but no larger. These ballot boxes shall be delivered to either of the judges of election at the time when the official ballots are required to be delivered, and a receipt therefor shall likewise be given and preserved.

Ballot boxes.

SEC. 11. The county board of elections or city governing board shall provide in each polling place during each election or vote a sufficient number of voting booths, not less than one for every one hundred (100) registered voters. Each booth shall be at least three feet square, shall have four sides enclosed each at least six feet high, and the one in front shall open and shut by a door

Voting booths.

Description.

Supplies.

Booth to be  
lighted.

Guard rail.

swinging outward or be enclosed with a curtain, which door or curtain shall extend within two feet of the floor. Each such booth shall contain a shelf at least one foot wide extending across one side of the booth at a convenient height for writing. Each booth shall be furnished with such supplies and conveniences, including pencils having black lead only, as will enable the voters conveniently to prepare their ballots for voting. Each booth shall be kept clearly lighted by candle or other artificial light, if necessary. A guard rail shall be placed at each polling place at least ten feet away from the ballot boxes and the booths, and no ballot box or booth shall be placed within ten feet of such rail. Each guard-rail shall be provided with a place for entrance and exit. The arrangement shall be such that the booths can only be reached by passing within the guard-rail, and that the booths, ballot boxes, election officers, and every part of the polling place, except the inside of the booths, shall be in plain view of the election officers and the persons just outside the guard-rail. Such booths shall be so arranged that there shall be no access to intending voters to the booth through any door, window, or opening except by the door in front of the booth.

Buildings in  
which elections  
may be conducted.  
Space cleared  
around ballot  
boxes.

The county boards of elections may provide buildings by lease or otherwise in which the elections are to be conducted, or they may cause a space not more than one hundred feet from the ballot boxes to be roped off in which space no person shall be allowed to enter except through a way not exceeding three feet in width for the entrance and exit of voters. They may prescribe the manner in which the place for holding election shall be prepared in every precinct so as to properly effectuate the purpose of this act.

Polling place out-  
side of precinct or  
township.

The county board of elections may designate a polling place outside of the precinct or township for which the election is held, and shall be entitled to demand and use any school or other public building for the purpose of holding any election and require that it be vacated for such purpose.

Duties of judges  
of election and  
registrar.

SEC. 12. The judges of election and registrar of each precinct shall meet at the polling place therein at least one-half hour before the time set for opening the polls at each election for which official ballots are required and shall proceed to arrange the space within the guard-rail and booths for the orderly and legal conduct of the election. They shall then and there have the ballot boxes, the sealed packages of official and sample ballots, the registration books, the polling book, and the required stationery and samples. They shall see that the voting booths are supplied with pencils having black lead only, unlock the ballot boxes, see that they are empty, allow the authorized watchers present to examine them, and shall lock them again while empty. After such boxes are relocked they shall not be unlocked or opened until the closing of the polls, and except as authorized by law, no ballots or other matter shall be placed in them. They shall select one of the judges of election

Examine ballot  
boxes.



to deliver the ballots to the voters, and the other to receive them and deposit them in the ballot boxes. They shall then take the oaths hereinafter prescribed. Thereupon they shall open the sealed packages of ballots and one of the judges shall make proclamation that the polls are open and of the time when they will be closed.

Oaths.

Polls declared open.

SEC. 13. From the time of the opening of the polls until the announcement of the result of the canvass of the votes and the signing of the official returns, the boxes and all the official ballots shall be kept within the guard-rail. No person shall be admitted within the guard-rail during such period except registrar and judges of election, persons admitted by the judges of election to preserve order and enforce the law, and persons duly admitted for the purpose of voting: *Provided, however*, that candidates voted for at such polling places may be present at the final canvass of the votes.

Boxes within guard-rail.

Persons allowed within guard-rail.

Proviso: Candidates may be present at final canvass of votes.

SEC. 14. The chairman of the executive committee of each political party may furnish to the chairman of the county board of elections, in writing, at least ten days before an election, the names of three people of good moral character, from each of which lists the county board of elections shall appoint a challenger to attend each polling place; upon the failure to furnish said list the county board of elections may select and appoint some person or persons of good moral character to act as challenger; upon failure of any of the challengers so appointed to attend and serve, or upon failure of the county board of elections to appoint, the registrar at each voting precinct shall appoint one challenger of the same political party to fill said vacancies. And at any vote upon a constitutional amendment, or proposition submitted, the judges of election and registrar shall appoint one challenger who is for and one who is against the amendment or proposition. No person shall be appointed as challenger who is not of good moral character, and the judges of election and registrar may reject any appointee, and require that another be appointed, or appoint one themselves if said rejection is done on election day.

Challengers: how appointed.

SEC. 15. No person shall, while the polls are open at any polling place, loiter about or do any electioneering within such polling place or within one hundred feet thereof, and no political banner, poster, or placard shall be allowed in or upon such polling place during the day of the election or vote.

Loitering within polling place prohibited.

Political posters prohibited.

SEC. 16. While the polls are open the voters entitled to vote and who have not previously voted thereat may enter within the guard-rail for the purpose of voting, in such order that there shall not be at any time within the guard-rail for the purpose of voting more than twice as many voters as there are voting booths. The voter shall enter through the entrance provided, and shall forthwith give to the judges of election his name and residence. One of the judges shall thereupon announce the name and residence of the

Number of voters within guard-rail at one time.

How voter shall enter and vote.



Folding ballot.

Ballot marked by judge.

Voter retires to booth.

Prepares ballot.

Unlawful to deface ballot.

New ballot.

Ballot : how marked.

Straight ticket.

Mark in party circle, also names specially indicated.

Constitutional amendment.

voter in loud and distinct tone of voice. The registrar shall at once announce whether the name of such voter is duly registered. If he be registered, and be not challenged, or if he be challenged and the challenge decided in his favor, or if he take the requisite oath and be lawfully entitled to vote, the proper judge of election shall prepare for him one official ballot of each kind, folded by such judge in the proper manner for voting, which is: first, bring the bottom of the ballot up to the margin of the printing at the top of the ballot, allowing the margin to overlap; and second, fold both sides of the center, so that when folded the face of the ballot, except the one-inch margin at the top thereof, shall be concealed, and so that the ballot shall be not more than four inches wide. Such judge shall then instruct the voter to refold the ballot in the same creases when he has marked it. Such judge shall then with pen and ink mark upon the top margin of the face thereof the number of the voter upon the polling list and the initials of such judge's name, and shall thereupon deliver the ballot or ballots to the voter. No person other than such designated judge shall assume to deliver to any voter any ballot.

SEC. 17. On receiving his ballot or ballots the voter shall forthwith, and without leaving the enclosed space, retire alone, unless he be one that he is entitled to assistance as hereinafter provided, to one of the voting booths, and without undue delay unfold and mark his ballots. No voter shall be allowed to occupy a booth already occupied by another, or to occupy a booth more than five minutes in case all the booths are in use and voters are waiting. It shall be unlawful to deface or tear an official ballot in any manner, or to erase any name or mark written thereon by a voter. If a voter wrongly mark, deface, or tear a ballot he may obtain others successively one at a time, but not more than two of any one kind, upon returning to the judge each ballot so spoiled.

SEC. 18. The voter shall mark his ballot with a pencil having black lead only, as follows, and not otherwise:

(a) To vote for an entire group of presidential electors or a straight ticket of any party by means of a single mark, he shall make a cross (X) mark in the circle above the party column.

(b) If a voter makes a cross (X) mark in the circle above a party column and also makes a cross (X) mark in one or more voting squares at the left of the names of one or more presidential electors or candidates, he shall be deemed to have voted for the electors or candidates whose names are thus specially indicated, and also for all the electors or candidates whose names are in the column so marked in the circle except those whose names are opposite the names so specially indicated.

(c) To vote on any constitutional amendment or question submitted he shall make a cross (X) mark in the appropriate voting square at the left of the question as printed on the ballot.

(d) A cross (X) mark shall consist of any straight line crossing any other straight line at any angle within a voting circle or square. Any mark other than a cross mark or any erasure of any kind shall make the ballot void; but no ballot shall be declared void because a cross (X) mark thereon is irregular in character. Any ballot which is defaced or torn by the voter shall be void.

Cross (X) mark described.

Any other mark makes ballot void.

(e) If a voter shall do any act extrinsic to the ballot itself, such as enclosing any paper or other article in the folded ballot, such ballot shall be void.

Acts extrinsic to ballot itself.

(f) If the voter marks more names than there are persons to be elected to an office, or if for any other reason it is impossible to determine the elector's choice, his vote shall not be counted for such office, but shall be returned as a blank vote for such office.

Ballots unintelligently marked.

(g) Where, in the case of a candidate for Governor, the candidate is nominated by more than one party and the voter makes a cross (X) mark in two or more voting squares, his vote for such candidate shall be counted, but he shall not be counted as voting with any particular party.

Candidate for governor nominated by more than one party.

SEC. 18. When the voter shall have prepared his ballot or ballots, he shall leave the voting booth with his ballot folded so as to conceal the face of the ballot, and keep it so folded, shall proceed at once to the judge of election designated to receive ballots and shall offer it to such judge. If a voter shall come out from a booth with a ballot not so folded as to conceal the face thereof his ballot shall be deposited in the box for spoiled ballots, and he shall be given another ballot and allowed again to enter the booth and prepare his ballot, but in no event shall any voter be given more than two ballots of any one kind. When the voter shall offer his ballot to the judge, such judge shall announce the name of the voter and the number written on its margin in a loud and distinct tone of voice. If such voter be not challenged and the challenge be decided in his favor, or if he takes the requisite oath and be then and there lawfully entitled to vote, and if his ballot or ballots are properly folded and have no mark or tear visible on the outside thereof, except the number written on the margin of the face thereof by the judge of election who delivered to him his ballot, together with the initials of such judge, and if such number is the same as his number on the polling book, and if the initials and number are apparently the same, without alteration, as those put upon the ballot by such judge, such judge shall receive such ballot or ballots and shall with a pair of scissors clip from the margin the written number and initials in plain view of the voter and without removing any other part of the ballot or in any way effacing any part of the face thereof below the margin, and shall deposit each ballot in the proper ballot box: *Provided, however*, that if the voter shall have been challenged the number shall not be clipped from the ballot. The number so clipped from the ballot

How ballot shall be deposited.

Folded.

Numbers and initials on ballot compared.

Numbers and initials clipped from ballot.

Deposited.  
 proviso: if voter is challenged, number shall not be clipped from ballot.

Numbers destroyed.	shall be carefully deposited in a receptacle prepared for the purpose and shall immediately upon the closing of the polls be totally destroyed without being examined or handled by any person whatever except the judges of election. After voting the voter shall forthwith pass outside the guard-rail, unless he be one of the persons authorized to remain for purposes other than voting. No ballots, except official ballots bearing the official endorsement, shall be allowed to be deposited in the ballot boxes or to be counted, except as hereinafter provided. No official ballot folded shall be unfolded outside the voting booth until it is to be counted. No person to whom any official ballot shall be delivered shall leave the space within the guard-rail until after he shall have delivered back all such ballots received by him. When a person shall have received an official ballot from the judge he shall be deemed to have begun the act of voting, and if he leave the guard-rail before the deposit of his ballot in the box he shall not be entitled to pass again within the guard-rail for the purpose of voting.
Only official ballots to be deposited.	
Ballots not to be unfolded until counted.	
Must complete act of voting after receiving ballot from judge.	
Poll books.	The poll books required to be kept by the judges of election shall be signed by the judges at the close of the election, and delivered to the registrar, who shall deliver them to the chairman of the county board of elections and register of deeds, respectively, after the meeting of the board of county canvassers. No clerks or assistants for any judge of election officers shall be appointed in any precinct where there are less than four hundred registered electors, but in precincts with more than four hundred registered electors the chairman of the county board of elections may appoint a clerk for the registrar and others to keep the poll books aforesaid. In the event of failure of such chairman to make such appointments, the registrar may appoint such clerks.
Clerks or assistants.	
How appointed.	
When unofficial ballots may be used.	SEC. 20. If for any cause the official ballots shall not be provided as required by law at any polling place upon the opening of the polls, or if the supply of official ballots shall be exhausted before the polls are closed, unofficial ballots, printed or written, made as nearly as possible in the form of the official ballot may be used, and shall be counted and treated as if official ballots.
Voter needing assistance to enter booth or mark ballot.	SEC. 21. Any voter who is obviously unable to enter the booth without assistance, or to mark his ballot, or who shall make oath that he cannot, through physical disability or through illiteracy, do so, may have the assistance of some person to be designated by the registrar for such purpose who may enter the booth with such person and assist in preparing his ballot. The registrar may, with the assent of the chairman of the county board of elections, designate a sufficient number of persons of good moral character and of the requisite educational qualifications to assist voters in the preparation of the ballots. Such persons may remain within the enclosure prepared for the holding of elections, but shall not come within ten feet of the guard-rail except in going to or returning from the booth with any elector who has requested assistance.
Who may assist voters.	
Duties.	

Such person so assisting shall not in any manner request or seek to persuade or induce any such voter to vote in any particular way, and shall not make or keep any memorandum of anything occurring within such booth, and shall not, directly or indirectly, reveal to any other person how in any particular such voter marked his ballot, unless he or they be called upon to testify in a judicial proceeding for a violation of the election laws. Each judge of election and registrar shall, before the opening of the polls, make oath that he will not in any manner request or seek to persuade or induce any voter to vote for or against any particular candidate or proposition, and that he will not keep or make any memorandum of anything occurring within the booth, except he be called upon to testify in a judicial proceeding for a violation of the election laws of this State. This oath shall be administered at the time hereinbefore prescribed by the registrar to the two judges of election and by one of them to the registrar. The same oath shall be taken by every person rendering such assistance. No voter shall otherwise than as herein provided ask or receive assistance from any person within the polling place of his ballot or divulge to any one within the polling place how he intends to vote or has voted.

Oaths to be taken.  
Shall not seek to influence vote.

Voter not to divulge how he intends to vote.

SEC. 22. As soon as the polls are closed the judges of election and registrar shall publicly canvass and ascertain the votes, and shall not adjourn or postpone the canvass until it shall be fully completed. The room in which the canvass is made shall be clearly lighted and such canvass shall be made in plain view of the public. It shall not be lawful during the canvass to close the main entrance into the room in such manner as to prevent ingress or egress thereby.

Canvass.

Entrance to room to remain open.

Such canvass may be conducted in another room or place than that in which the election is held. It shall be lawful to exclude from the room where the canvass is conducted all persons other than election officials, official challenger and clerks, but the entrance to such room shall be kept open. They shall, before opening the ballot boxes, count all unused ballots of each kind and make and preserve an itemized record thereof; shall securely tie up all unused ballots and preserve them, to be returned to the county board of elections or city governing board, as the case may be, for which returned ballots a receipt shall be taken and preserved. They shall then open the box for spoiled ballots, shall assort, count, and make and preserve a record of the number of each kind, and shall then tie up separately and distinctly mark or label each package, all of which shall then be returned to the box, which shall then be relocked. They shall then, and not until then, open and canvass the ballot boxes one at a time, completing the canvass of one before opening another. They shall first count the ballots in each box when opened, without unfolding them except so far as to ascertain that each ballot is single, and shall compare the number of ballots with the number shown by the

Who may be excluded from room.

Unused ballots.

Spoiled ballots.

Canvass ballot boxes.



When number of ballots exceeds number in polling books.

polling book to have been deposited therein. If the ballots found in any box shall be more than the number of ballots shown by the polling book to have been deposited therein, such ballots shall be replaced without being unfolded in the box from which they were taken, and shall be thoroughly mingled therein, and one of the judges designated by lot shall, without seeing the ballots and with his back to the box, publicly draw out as many ballots as shall be equal to the excess, and, without unfolding them, forthwith enclose them in an envelope, which he shall then and there seal and endorse: "Excess ballots from the ballot box for ....."

Excess ballots.

Ballots folded together.

signing his name thereto, and such envelope with the excess ballots in it shall be placed in a box for spoiled ballots and a record of the number shall be made and preserved, with the record of unused and spoiled ballots. If two or more ballots shall be found in the box so folded together as to present the appearance of a single ballot, and if there is in such box an excess of ballots, they, or enough of them to reduce the ballots to the proper number, selection to be made without examination of any voting mark thereon, shall similarly be ever, there be lawfully more than one ballot box for the reception of enclosed, sealed, endorsed, and placed with the spoiled ballots. If, however, there be lawfully more than one ballot box for the reception of ballots voted at the polling place, no ballot found in the wrong ballot box shall for that reason be rejected, but shall be placed in its proper box upon the count of the ballots in such box before the canvass, but it shall not be placed in such proper box until the count of such box shall have been made; and if by placing it in such box there will be created an excess in that box, it shall not be placed therein, but enclosed, sealed, endorsed, and placed with the spoiled ballots, and a record thereof made and preserved.

Ballots objected to.

SEC. 23. If objection is taken to the counting of any ballot, the judges and registrar shall forthwith rule upon such objection; and if the objection is sustained or is insisted upon after the ruling a memorandum of objection, the ruling, and the reasons therefor, shall be written with ink upon the back of each such ballot. All ballots which are not counted shall be enclosed in an envelope, which shall be sealed and endorsed "Not counted," and a record shall be made upon the returns of the numbers of such ballots not counted. All ballots objected to but counted shall be likewise enclosed in an envelope, which shall be endorsed "Objected to but counted," and a record shall be made upon the returns of the number of such ballots. All ballots which are wholly blank shall likewise be enclosed, sealed, and endorsed "Wholly blank," and the

Ballots not counted.

Objected to but counted.

Wholly blank ballots.

Challenged ballot.

number recorded upon the returns. All ballots which shall have been challenged but deposited in the box shall likewise be enclosed, sealed, and endorsed "Challenged," and the number recorded upon the returns. All the other ballots shall, after being canvassed, be securely tied together and replaced in the box from which they



were taken. The envelopes containing the ballots "Not counted," "Objected to but counted," "Wholly blank," and "Challenged" shall be likewise returned to the same box, which shall then be again securely locked.

After canvass, ballots returned to box.

SEC. 24. It shall be the duty of each of the judges of election and the registrar to object to the counting of any ballot which is not official, except when permitted to be used as hereinbefore provided, or to any ballot marked otherwise than as required by law, or which does not in all respects conform to the requirements of law. The ballots shall at all times during the canvass be kept on top of the table in plain view of all who are entitled to examine them, until they have been replaced in the box as required. If requested by any persons, entitled to be present, the judges and registrar shall, during the canvass of any ballot, exhibit to him the ballot then being canvassed, fully opened, but shall not allow any ballot to be taken from their hands or touched by any person but themselves.

Objection to unofficial ballot.

Canvass in plain view.

SEC. 25. After the boxes shall have been all canvassed and relocked, they shall be deposited at once with the county board of elections or the city governing board, as the case may be, and shall be preserved, inviolate for six months after the election, except that they may be opened for a recount in accordance with law; but after such recount the contents of each box shall be returned thereto and the box again locked and kept inviolate for the remainder of the period of six months. If a contest involving any box shall be in progress at the expiration of such six months, such box shall be preserved until such contest shall have been completed: *Provided*, that in case of a primary election and a second primary is called, the county board of elections or city governing board, as the case may be, is authorized to destroy all ballots used in the first primary so that the ballot boxes used in the first primary may be used for the second primary, or they may be re-opened for a recount in accordance with law. But if any contest shall arise in the first primary, the ballots in such first primary shall not be destroyed, but shall be taken from the boxes, placed under seal and filed in the office of the clerk of the Superior Court of the county, and the parties to such contest may, if they so desire, be present when such ballots are taken from such boxes.

Preservation of ballots.

Recount.

Proviso: in case of second primary, ballots may be destroyed so that boxes may be used.

In case of contest.

Ballots to be filed.

SEC. 26. The registrars of election of each township, ward, or precinct shall attend the meeting of the board of county canvassers of the city canvassing board, as the case may be, as members thereof, and they shall deliver to such board the original returns and statements of election in such township, ward, or precinct. They shall constitute such county board of canvassers, or city canvassing board, as the case may be, and a majority of them shall constitute a quorum.

Meetings of canvassing board.

SEC. 27. The State Board of Elections may prescribe forms to be used for tally sheets and returns, and if they fail to do so, any

Forms for tally-sheets and returns.

Form : how  
framed.

county board of elections or city governing board may prescribe such forms for use in their own county or city. But any form prescribed or used shall be so framed, as to allow all records to be made and preserved that are herein required to be made and preserved. Any form used shall be so framed as to show the number of votes cast for Governor by each political party, and in case a candidate for Governor shall be nominated by more than one political party the canvass shall be so made and the form used be so framed as to show the number of voters using each of the several party voting squares prescribed to appear upon the official ballot opposite the name of such candidate for Governor.

Expenses : how  
distributed.

SEC. 28. The expense of doing those things herein prescribed to be done by the State Board of Elections shall be paid by the State. The expenses of doing those things prescribed to be done by the county board of elections shall be paid by the county. The expenses of doing those things prescribed to be done by the city governing board shall be paid by the city or town. The auditor shall draw his warrant upon the certificate of the chairman of the county board of elections for one-third of the amounts expended for printing tickets for every election at which State officers or presidential electors are to be elected, and said warrant shall be paid by the State Treasurer.

Election officers  
for primary  
elections.

SEC. 29. At any primary election to choose nominees for any one party, it shall be lawful to appoint election officers belonging to the party for which officers are to be chosen.

Vote of absent  
elector.

Certificate "B"  
not permitted.

Form to be used.

SEC. 30. No vote of any absent elector shall be counted unless upon the official ballot printed under the directions hereof. The use of certificate "B," as set forth in Consolidated Statutes, five thousand nine hundred and sixty-two, shall not be permitted. The certificate for use with the ballot of an absent elector shall be in the form set forth in said section five thousand nine hundred and sixty-two as certificate "A." All of the certificate "B" dated prior to September first, one thousand nine hundred and twenty-four, may be counted. The oath to any such affidavit may be administered by the chairman of the county board of elections or by the registrar.

Certificate "B"  
dated prior to  
Sept. 1, 1924,  
accepted.

Oath to affidavit.

Blank absentee  
ballots : how  
furnished.

SEC. 31. It shall be the duty of the chairman of the county board of elections to furnish blank ballot for every absent elector who may apply therefor. Such ballot shall be mailed to the registrar and shall not be addressed in care of any other person. The vote of an absent elector shall be discarded and not counted if any writing or other mark than authorized hereby shall appear thereon. The chairman of the county board of elections is not required to furnish a ballot to any absent elector prior to ten days before the election at which such ballot can be lawfully voted. Ballots for absent electors, in addition to the printed matter hereinbefore authorized, may have a printed line on the face thereof: "Official Ballot, .....County, for the sole use of....."

absent elector," the chairman filling in the name at the time of mailing same to such elector.

SEC. 32. Owing to the increased work and changed duties imparted by this act, the county board of elections may appoint other election officers than those now in office for holding the election in November, one thousand nine hundred and twenty-four.

Additional election officers may be appointed.  
*Note.*

SEC. 33. Any person who shall make, use, circulate, or cause to be made, used, or circulated any imitation of an official ballot or the sample ballots, or any paper made in resemblance thereto, or who shall willfully destroy or deface any official ballot or sample ballot, shall be guilty of a felony, and upon conviction be punished by a fine of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) or by imprisonment in the penitentiary for not less than one year nor more than five years, or by both such fine and imprisonment, at the discretion of the court.

Imitation ballots.

Willful destruction of official ballots.

Felony: punishment.

SEC. 34. Any public officer upon whom a duty is imposed by this act who shall willfully neglect to perform such duties or shall willfully perform it in such way as to hinder the object of this act; or who shall disclose to any one except as authorized hereby the contents of any ballot, as to the manner in which it may have been voted, shall be guilty of a felony, and upon conviction shall be punished by a fine of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000), or by imprisonment in the penitentiary for not less than one year nor more than five years, or by both such fine and imprisonment, at the discretion of the court.

Failure of official to perform duties imposed by act.

Guilty of felony. Punishment.

SEC. 35. Any person who shall, except as herein otherwise provided, mark or fold his ballot so that it can be distinguished, or allow his ballot to be seen with apparent intention of letting it be known how he has voted or is about to vote, or who shall make a false statement as to his ability to mark his ballot, or who shall interfere with, hinder, or oppose any voter, or electioneer or solicit votes on election day while within one hundred feet of the polling place, or shall induce any voter to reveal how he has voted, or is about to vote, or who shall place upon or induce any person to place upon any ballot any character or mark for the purpose of identifying such ballot, or who shall willfully hinder the delivery of any ballot, or destroy or delay the delivery of any of the supplies or apparatus provided for any polling place, or shall in any way obstruct the carrying out of any of the provisions of this act, or attempt to do or cause to be done any of the things above enumerated, or violate any other provision of this act, shall be guilty of a misdemeanor, and shall upon conviction be punished at the discretion of the court.

Violation of act by voter or other person.

Guilty of misdemeanor.

Punishment.

SEC. 36. The term "political party," as used in this act, shall include all political parties which had candidates for State offices who were voted for at last preceding election, and in addition, any political party which may be declared to be such by a declaration

Political party: defined.

signed by ten thousand (10,000) legal voters and filed with the State Board of Elections thirty days before the time fixed for candidates for State offices to file notice of their candidacy with such board.

Additional judges and boxes in large precincts.

SEC. 37. Owing to impracticability of ordering a new registration for the year one thousand nine hundred and twenty-four, the county board of elections may in large precincts appoint additional judges and additional boxes so that all properly qualified voters can exercise the right of suffrage. The provisions of this section shall not apply after January first, one thousand nine hundred and twenty-five.

Application of section limited.

Hearing of challenge.

SEC. 38. Not more than five minutes shall be allowed by the registrar and judges of election in the hearing of any challenge on election day.

Act applies only to certain counties.

SEC. 39. This act shall apply only to the counties of Stanly, Brunswick, Alexander, Yancey, McDowell, Cherokee, Surry, and Caldwell.

Repealing clause.

SEC. 40. All laws or clauses of laws in conflict with the provisions hereof are hereby repealed.

SEC. 41. This act shall be in force on and after its ratification. Ratified this the 21st day of August, A.D. 1924.

## CHAPTER 38

AN ACT TO AMEND CHAPTER 171, SECTION 1, PUBLIC LAWS OF NORTH CAROLINA, 1921, IN REGARD TO THE PRACTICE OF VETERINARY MEDICINE AND SURGERY IN NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

Section amended.

SECTION 1. That section one of chapter one hundred and seventy-one, Public Laws of North Carolina, one thousand nine hundred and twenty-one, be and the same is hereby amended by striking out in lines eight and nine of said section one the words "one thousand nine hundred and twenty-one" and inserting in lieu thereof the words "within ten days from the last day of this special session of the General Assembly of North Carolina."

Time extended.

Secretary of board of examiners to approve application.

SEC. 1½. Providing that any person coming under the provisions of section one of this act shall, before taking advantage thereof and practicing veterinary medicine and surgery, procure the approval of his application by the Secretary of the Board of Examiners of the North Carolina State Veterinary Association.

Repealing clause.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. This act shall be in force from and after its ratification. Ratified this the 21st day of August, A.D. 1924.



## CHAPTER 39

AN ACT TO AMEND SECTION 1443 OF THE CONSOLIDATED STATUTES, SO AS TO PROVIDE FOR TWO ADDITIONAL TERMS OF THE SUPERIOR COURT OF DURHAM COUNTY, IN THE TENTH JUDICIAL DISTRICT, FOR THE TRIAL OF CRIMINAL CASES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one thousand four hundred and forty-three of the Consolidated Statutes be amended by amending that part of said section applying to Durham County as follows: By inserting in the first line of said section after the words "first Monday before the first Monday in March" the words "third Monday after the first Monday in March," and by inserting in line two of said section after the words "eleventh Monday after the first Monday in March" the words "seventh Monday before the first Monday in September."

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. That this act take effect and be in force from and after its ratification.

Ratified this the 21st day of August, A.D. 1924.

## CHAPTER 40

AN ACT TO PERMIT THE OWNER OF AN ESTATE IN LANDS THE TITLE TO WHICH HAS BEEN REGISTERED IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 47 OF THE CONSOLIDATED STATUTES TO HAVE THE SAME RELEASED FROM THE PROVISIONS OF SAID CHAPTER IN REFERENCE TO THE MODE OF CONVEYANCE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That whenever the record owner of any estate in lands, the title to which has been registered or attempted to be registered in accordance with the provisions of chapter forty-seven of the Consolidated Statutes, desires to have such estate released from the provisions of said chapter in so far as said chapter relates to the form of conveyance, so that such estate may ever thereafter be conveyed, either absolutely or upon condition or trust, by the use of any desired form of conveyance other than the certificate of title prescribed by said chapter, such owner may present his owner's certificate of title to such registered estate to the register of deeds of the county wherein such land lies, with a memorandum or statement written by him on the margin thereof in the words

Section amended.

Terms of court.

Repealing clause.

Title registered.

Release as to form of conveyance.

Present owner's certificate of title to register of deeds.  
Statement thereon.



How signed and attested.

Statement on record in register's office.

Further notation.

May then be conveyed as if never registered.

following, or words of similar import, to wit: "I (or we), \_\_\_\_\_, being the owner (or owners) of the registered estate evidenced by this certificate of title, do hereby release said estate from the provisions of chapter forty-seven of the Consolidated Statutes of North Carolina in so far as said chapter relates to the form of conveyance, so that hereafter the said estate may, and shall be forever until again hereafter registered in accordance with the provisions of said chapter and acts amendatory thereof, conveyed, either absolutely or upon condition or trust, by any form of conveyance other than the certificate of title prescribed by said chapter, and in the same manner as if said estate had never been registered." Which said memorandum or statement shall further state that it is made pursuant to the provisions of this act, and shall be signed by such record owner and attested by the register of deeds under his hand and official seal, and a like memorandum or statement so entered, signed and attested upon the margin of the record of the said owner's certificate of title in the registration of titles book in said register's office, with the further notation made and signed by the register of deeds on the margin of the certificate of title in the registration of titles book showing that such entry has been made upon the owner's certificate of title; and thereafter any conveyance of such registered estate, or any part thereof, by such owner, his heirs or assigns, by means of any desired form of conveyance other than such certificate of title shall be as valid and effectual to pass such estate of the owner according to the tenor and purport of such conveyance in the same manner and to the same extent as if such estate had never been so registered.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 21st day of August, A.D. 1924.

## CHAPTER 41

AN ACT TO VALIDATE CERTAIN CONVEYANCES OF LAND AND ESTATES THEREIN BY THE USUAL MODES OF CONVEYANCE SUBSEQUENT TO THE REGISTRATION OF THE TITLE TO SUCH LAND IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 47 OF THE CONSOLIDATED STATUTES, AND TO RELIEVE THE SAME FROM THE PROVISIONS OF SAID CHAPTER.

*The General Assembly of North Carolina do enact:*

Owner of registered lands.

Conveyances as though unregistered.

SECTION 1. That in all cases where the owner of any estate in lands, the title to which has been registered or attempted to be registered in accordance with the provisions of chapter forty-seven of the Consolidated Statutes, has heretofore and subsequent to such

registration made any conveyance of such estate, or any portion thereof, by any form of conveyance sufficient in law to pass the title thereto if the title to said lands had not been so registered, the record owner and holder of the certificate of title covering such registered estate may enter upon the margin of his certificate of title in the registration of titles book a memorandum showing that such registered estate, or a portion thereof, has been so conveyed, and further showing the name of the grantee or grantees and the number of the book and the page thereof where such conveyance is recorded in the office of the register of deeds, and make a like entry upon the owner's certificate of title held by him, both of such entries to be signed by him and witnessed by the register of deeds, and attested by the seal of office of the register of deeds upon said owner's certificate, with the further notation made and signed by the register of deeds on the margin of the certificate of title in the registration of titles book showing that such entry has been made upon the owner's certificate of title, and thereupon such conveyance shall become and be as valid and effectual to pass such estate of the owner according to the tenor and purport of such conveyance as if the title to said lands had never been so registered, whether such conveyance be in form absolute or upon condition of trust; and in all cases where such conveyance has heretofore been made, upon the making of the entries herein authorized by the record owner and holder of such owner's certificate of title, the grantee and his heirs and assigns shall thereafter have the same right to convey the said estate or any part of the same in all respects as if the title to said lands had never been so registered: *Provided, however,* that the provisions of this act shall not affect any pending action or special proceeding.

Memorandum of conveyance on margin of certificate of title.

Contents of memorandum.

Similar entry on owner's certificate of title.

How signed and attested.

Further notation.

Conveyance made valid.

Grantee may convey as though title had never been registered.

Proviso: pending litigation and special proceedings not affected.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 21st day of August, A.D. 1924.

## CHAPTER 42

### AN ACT TO AMEND CHAPTER 171 OF THE PUBLIC LAWS OF 1923, RELATING TO THE PENSION LIST OF SOLDIERS AND WIDOWS.

Whereas the name now appearing on the pension roll of the State as Mrs. "Diner Mond" should be Mrs. Diner Manuel; and whereas the said Mrs. Diner Manuel is the widow of a Confederate veteran and as such entitled to a pension: Now, therefore,

Preamble: name wrong on pension roll.

Widow of Confederate veteran.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred seventy-one of the Public Laws of nineteen hundred and twenty-three be and the same is

Law amended.

Right name inserted.	hereby amended by striking from line three of section one of said act the name "Mrs. Diner Mond" and inserting in lieu thereof the name "Mrs. Diner Manuel."
Back pension.	SEC. 2. That the said Mrs. Diner Manuel be paid the pension due her since the enactment of said act which she would have received but for the error made in the name.
Repealing clause.	SEC. 3. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed. SEC. 4. That this act shall be in force from and after its ratification. Ratified this the 21st day of August, A.D. 1924.

### CHAPTER 43

AN ACT PROVIDING FOR COLLECTORS OF ESTATES WHERE, FOR ANY REASON, DELAY IS NECESSARY IN THE PRODUCTION OF POSITIVE PROOF OF THE DEATH OF ANY PERSON SUPPOSED TO BE DEAD, AND AMENDATORY OF SECTION 24, ARTICLE 6, CHAPTER 1, OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

Section amended.	SECTION 1. That section twenty-four of article six of chapter one of the Consolidated Statutes of North Carolina be and the same is hereby amended by adding at the end of said section the following: "When, for any reason, a delay is necessary in the production of positive proof of the death of any one who may have disappeared under circumstances indicating death of such person, any person interested in the estate of such person so disappearing as heir at law, prospective heir at law, a creditor, a next friend, or any other person or persons interested, either directly or indirectly, in the estate of such person so disappearing, may file with the clerk of the Superior Court of the county in which the person so disappearing last resided, or in case such person so disappearing was at the time of his disappearance a non-resident of the State of North Carolina, with the clerk of the Superior Court of any county in which any property was or might have been located at the time of such disappearance, a petition for the appointment of a collector of the estate of such person so disappearing, or the property of such person so disappearing, located within the county of the clerk to whom application is made, which petition shall set forth the facts and circumstances surrounding the disappearance of such person, and which petition shall be duly verified and supported by affidavit of persons having knowledge of the circumstances under which such person so disappeared, and if from such petition and such affidavits it should appear to the clerk that the person so disappearing is probably dead, then it shall be
Delay in production of proof of death.	
Interested person to file petition.	
Clerk superior court.	
Petition for appointment of collector of estate.	
Petition to set forth certain facts.	
Affidavits.	

the duty of the clerk to so find and to issue to some discreet person or persons, at his option, letters of collection authorizing the collection and the preservation of the property of such person so disappearing." Letters of collection.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed. Repealing clause.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 21st day of August, A.D. 1924.

## CHAPTER 44

AN ACT AUTHORIZING THE FILING OF NOTICES OF LIENS  
IN ACCORDANCE WITH THE PROVISIONS OF SECTION  
3186 OF THE REVISED STATUTES OF THE UNITED  
STATES, AS AMENDED BY THE ACT OF MARCH 4, 1913.

*The General Assembly of North Carolina do enact:*

SECTION 1. Notices of liens for internal revenue taxes payable to the United States of America and certificates discharging such liens may be filed in the office of the register of deeds of the county or counties within which the property subject to such lien is situated. Notices of liens and certificates of discharged: how filed.

SEC. 2. When a notice of such tax lien is filed, the register of deeds shall forthwith enter the same in alphabetical Federal lien tax index to be provided by the board of county commissioners, showing on one line the name and residence of the taxpayer named in such notice, the collector's serial number of such notice, the date and hour of filing, and the amount of tax and penalty assessed. He shall file and keep all original notices so filed in numerical order in a file or files to be provided by the board of county commissioners and designated Federal tax lien notices. This service shall be performed without fee. Notice:  
Register to index.  
  
File original notices.  
No fee.

SEC. 3. When a certificate of discharge of any tax lien, issued by the collector of internal revenue or other proper officer, is filed in the office of the register of deeds where the original notice of lien is filed, said register of deeds shall enter the same with date of filing in said Federal tax lien index on the line where the notice of the lien so discharged is entered, and permanently attach the original certificate of discharge to the original notice of lien. This service shall be performed without fee. Certificate of discharge.  
  
Entered in index.  
  
Original certificate attached.  
No fee.

SEC. 4. This act is passed for the purpose of authorizing the filing of notices of liens in accordance with the provisions of section three thousand one hundred eighty-six of the Revised Statutes of the United States, as amended by the act of March fourth, one thousand nine hundred thirteen, thirty-seven Statutes at Large, page one thousand sixteen. Purpose of act.

Repealing clause. SEC. 5. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 6. That this act shall be in force from and after its ratification.

Ratified this the 22d day of August, A.D. 1924.

## CHAPTER 45

### AN ACT TO PREVENT THE SALE AND DISTRIBUTION OF OBSCENE LITERATURE.

*The General Assembly of North Carolina do enact:*

Unlawful to deal in literature excluded from mails.

SECTION 1. That it shall be unlawful for any news agent, news dealer, book-seller, or any other person, firm, or corporation to offer for sale, sell, or cause to be circulated within the State of North Carolina any magazine, periodical, or other publication which is now or may hereafter be excluded from the United States mails.

Unlawful to sell or give such literature to persons under 21 years.

SEC. 2. That it shall be unlawful for any person, firm, or corporation to offer for sale, sell, or give to any person under the age of twenty-one years any such magazine, periodical, or other publication which is now or may hereafter be excluded from the United States mails.

How act shall be construed.

SEC. 3. That this act shall not be construed to in any way conflict with or abridge the freedom of the press, and shall in no way affect any publication which is permitted to be sent through the United States mails.

Violation of act a misdemeanor.

SEC. 4. That any person, firm, or corporation violating any of the provisions of this act shall be guilty of a misdemeanor.

SEC. 5. That this act shall be in force from and after its ratification.

Ratified this the 21st day of August, A.D. 1924.

## CHAPTER 46

### AN ACT TO AMEND CHAPTER 237 OF THE PUBLIC LAWS OF 1923, RELATING TO THE SUPERIOR COURTS OF NASH COUNTY.

*The General Assembly of North Carolina do enact:*

Chapter amended.

SECTION 1. That chapter two hundred and thirty-seven of the Public Laws of one thousand nine hundred and twenty-three, relating to the Superior Courts of Nash County, be and the same is hereby amended by striking from line ten in section one of said

Terms of court.

chapter the second word "after" between the word "Monday" and the word "the" and inserting in lieu thereof the word "before,"



and by striking from line eleven the word "two" and inserting in lieu thereof the word "one," and by striking from the word "weeks" in said line eleven the letter "s."

SEC. 2. That all laws and clauses of laws in conflict with the Repealing clause. provisions of this act are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 21st day of August, A.D. 1924.

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## CHAPTER 47

### AN ACT TO AMEND CHAPTER 99, PUBLIC LAWS OF 1917, RELATING TO THE ERECTION AND MAINTENANCE OF COUNTY TUBERCULOSIS HOSPITALS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section two, chapter ninety-nine, of the Public Laws of nineteen hundred seventeen, as amended by chapter one hundred fifty-nine, Public Laws of nineteen hundred nineteen, being section seven thousand two hundred eighty of the Consolidated Statutes of North Carolina, be amended by adding at the

end of said section the following: "In the event the board of commissioners shall order a special election to determine the will of the people of the county upon the question of the issuance of the bonds or the levy of the special maintenance tax as herein provided, they may order a new registration of the qualified voters of the county for said election, and notice of said new registration shall be deemed to be sufficiently given by publication once in some newspaper published in said county at least thirty days before the close of the registration books. If both questions are submitted at the same election, only one registration need be ordered. The published notice of registration shall state the days on which the books will be open for registration of voters and the places at which they will be open on Saturdays. The books of such new registration shall close on the second Saturday before election. The Saturday before the election shall be challenge day."

Section amended.  
  
If special election called commissioners may order new registration.

Notice of registration.

Both questions at same election, only one registration.

Notice of registration.

Books closed.

Challenge day.

SEC. 2. This act shall be in force from and after its ratification.

Ratified this the 21st day of August, A.D. 1924.

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## CHAPTER 48

### AN ACT FOR RELIEF OF THE BANK OF LENOIR.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Auditor is authorized, directed, and empowered to draw his warrant in favor of the Bank of Lenoir,

Warrant authorized to be drawn. Bank of Lenoir.

Lenoir, North Carolina, for the sum of fifty-five dollars (\$55), same being amount of a pension warrant paid by said bank, because of an erroneous certificate of the clerk of the Superior Court of Caldwell County.

SEC. 2. This act shall be in force from and after its ratification. Ratified this the 22d day of August, A.D. 1924.

## CHAPTER 49

### AN ACT TO PROVIDE FOR A CONTINUOUS GRAND JURY FOR STANLY COUNTY.

*The General Assembly of North Carolina do enact:*

Grand jury drawn.

Six members to serve until next term.

Successors.

Six members to serve until second term. Successors.

Six members to serve until third term.

Successors to serve for three terms.

Duties of grand jury.

Compensation of members.

Foreman.

SECTION 1. That at the next mixed or criminal term of the Superior Court held for the county of Stanly the grand jury shall be drawn and charged by the presiding judge as now provided by law; the first six members of said grand jury so drawn shall serve until the next criminal or mixed term of the Superior Court, at which time their successors shall be drawn and charged by the presiding judge as provided by law; the second six members of said grand jury so drawn shall serve until the second term thereafter of the criminal or mixed court of said county, at which time their successors shall be drawn and charged by the presiding judge as provided by law; that the last six members of said grand jury so drawn shall serve until the third term thereafter of the criminal or mixed term of said county.

SEC. 2. That the successors of each of the aforesaid six members of the said grand jury, and their successors, shall serve, after being drawn and charged by the presiding judge as provided by law, for three terms of mixed or criminal court of Stanly County, the purpose of this act being to provide for six new members of said grand jury at each mixed or criminal term of the Superior Court of Stanly County.

SEC. 3. That the said grand jury drawn as provided by this act shall attend every term of the Superior Court of Stanly County in which criminal cases may under law be tried; that at any time the judge of the Superior Court presiding over either criminal, civil, or mixed terms of court of said county may call said grand jury to assemble and may deliver unto said grand jury an additional charge; that said grand jury shall be subject to call for session and service at any time by the solicitor of the district or the foreman of said grand jury, or the presiding judge.

SEC. 4. That while in session, or otherwise actually engaged in the performance of their duties as members of said grand jury, the members thereof shall be paid as follows: three dollars (\$3) per day shall be paid the foreman and two dollars (\$2) per day shall be paid to each of the other members of said grand jury.

SEC. 5. That all laws and clauses of laws in conflict with the Repealing clause. provisions of this act are hereby repealed.

SEC. 6. That this act shall be in force from and after its ratification.

Ratified this the 22d day of August, A.D. 1924.

## CHAPTER 50

### AN ACT TO PLACE MRS. KNOX WOLF HARGETT UPON THE PENSION ROLL OF UNION COUNTY, NORTH CAROLINA.

#### PREAMBLE.

Whereas Andrew J. Hargett, late of Union County, North Carolina, enlisted in Company One, Thirty-seventh North Carolina Regiment, in December, one thousand eight hundred and sixty-one, as a Confederate soldier, and served the Confederate Army as such in the war between the states; and

Preamble: service recited.

Whereas said Andrew J. Hargett, in line of his duty as such soldier, was captured by Union soldiers and kept in prison until after the surrender, to wit, until June sixteenth, one thousand eight hundred and sixty-five; and

Preamble: captured and kept in prison.

Whereas the said Andrew J. Hargett was married to Miss Knox Wolfe in February, one thousand eight hundred and eighty-six, and lived with her until his death in September, one thousand eight hundred and ninety-five; and

Preamble: marriage.

Whereas, upon the death of the said Andrew J. Hargett, his widow, Mrs. Knox Wolf Hargett, was left without sufficient property to live upon, and is now old and without means of support: Therefore,

Preamble: widow in need and without support.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the said Mrs. Knox Wolf Hargett be and she is hereby placed upon the pension roll of Union County, North Carolina, as a widow of Confederate soldier, and that the Secretary of State and the State Auditor are hereby directed to cause to be issued to her semi-annually hereafter a voucher upon the State Treasury for the same amount and at the same times as provided by law for widows of Confederate soldiers, and such voucher shall be delivered to her at the same time and in the same manner as vouchers are delivered to other widows of Confederate soldiers and paid by the State when properly endorsed out of fund appropriated by the State for the relief of Confederate soldiers and their widows.

Name placed on pension roll.

Voucher.

Ratified this the 22d day of August, A.D. 1924.

## CHAPTER 51

## AN ACT TO PLACE MRS. MARTHA JANE HELMS, OF UNION COUNTY, ON THE PENSION ROLL.

## PREAMBLE.

Preamble :  
service recited.

Whereas Membry Helms, late of Union County, North Carolina, enlisted in Company One, Fifty-third North Carolina Regiment, August first, one thousand eight hundred and sixty-two, as a Confederate soldier, and served the Confederate Army as such in the war between the states; and

Preamble :  
marriage.

Whereas the said Membry Helms was married to Mrs. Martha Jane Helms on January twenty-second, one thousand eight hundred and eighty and lived with her until his death; and

Preamble: widow  
in need and  
without support.

Whereas, upon the death of the said Membry Helms, his widow, Mrs. Martha Jane Helms, was left without sufficient property to live upon, and is now sixty-nine years old and without means of support: Therefore.

*The General Assembly of North Carolina do enact:*

Name placed on  
pension roll.

SECTION 1. That the said Mrs. Martha Jane Helms be and she is hereby placed upon the pension roll of Union County, North Carolina, as a widow of Confederate soldier, and that the Secretary of State and the State Auditor are hereby directed to cause to be issued to her semi-annually hereafter a voucher upon the State Treasury for the same amount and at the same times as provided by law for widows of Confederate soldiers, and such voucher shall be delivered to her at the same time and in the same manner as vouchers are delivered to other widows of Confederate soldiers and paid by the State when properly endorsed out of fund appropriated by the State for the relief of Confederate soldiers and their widows.

Voucher.

Ratified this the 22d day of August, A.D. 1924.

## CHAPTER 52

## AN ACT TO PLACE THE NAMES OF MRS. DORA L. BROWN OF McDOWELL COUNTY, MRS. BETTIE JONES OF HARNETT COUNTY, AND MRS. SUSAN SWAIN OF RANDOLPH COUNTY, WIDOWS OF CONFEDERATE VETERANS, ON THE PENSION ROLL.

*The General Assembly of North Carolina do enact:*

Names added to  
pension roll.

SECTION 1. That Mrs. Dora L. Brown of McDowell County, widow of ..... Brown, a Confederate veteran, Mrs. Bettie Jones of Harnett County, widow of T. D. Jones, a Confederate veteran, and Mrs. Susan Swain of Randolph County, widow of a

Confederate veteran, he and they are hereby allowed the regular pension accruing to widows of Confederate veterans under the pension laws of the State.

SEC. 2. That the State Auditor is authorized and directed to Auditor. place the names of Mrs. Dora L. Brown, Mrs. Bettie Jones, and Mrs. Susan Swain upon the pension rolls of his office and pay to them the pensions as prescribed in section one of this act.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 22d day of August, A.D. 1924.

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### CHAPTER 53

AN ACT TO REPEAL SECTION 2 OF CHAPTER 180 OF THE PUBLIC LAWS OF 1923, ENTITLED "AN ACT TO AMEND SECTIONS 6367 AND 6373 OF CHAPTER 106 OF THE CONSOLIDATED STATUTES, KNOWN AS THE 'BLUE SKY' LAW."

*The General Assembly of North Carolina do enact:*

SECTION 1. That section two of chapter one hundred and eighty of the Public Laws of one thousand nine hundred and twenty-three, ratified the sixth day of March, one thousand nine hundred and twenty-three, be and the same is hereby repealed. Section repealed.

SEC. 2. That this act shall be in force and effect from and after its ratification.

Ratified this the 22d day of August, A.D. 1924.

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### CHAPTER 54

AN ACT TO PROTECT OWNERS OF PROPERTY ALONG THE STATE HIGHWAYS OF NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. Any person, not being on his own lands, or without the consent of the owner thereof, who shall, within one hundred yards of any State highways of North Carolina or within a like distance of any other public road or highway, willfully commit any damage, injury, or spoliation to or upon any tree, wood, underwood, timber, garden, crops, vegetables, plants, lands, springs, or any other matter or thing growing or being thereon, or who cuts, breaks, injures, or removes any tree, plant, or flower within such limits, or shall deposit any trash, debris, garbage, or litter within such limits, shall be guilty of a misdemeanor, and upon conviction

On land within 100 yards of State highways.

Damage to things growing or being on property.

Deposit debris. Violation of act a misdemeanor.



Punishment.

Proviso: employees of State Highway Commission.

fined not exceeding fifty dollars (\$50) or imprisoned not exceeding thirty days: *Provided, however*, that this act shall not apply to the officers, agents, and employees of the State Highway Commission or county road authorities while in the discharge of their duties.

Repealing clause.

SEC. 2. All conflicting statutes are hereby repealed.

SEC. 3. This act shall be in force from and after its ratification. Ratified this the 22d day of August, A.D. 1924.

## CHAPTER 55

### AN ACT TO VALIDATE THE ACTS OF THEODORE N. ROSS, JUSTICE OF THE PEACE IN NASHVILLE TOWNSHIP, NASH COUNTY.

*The General Assembly of North Carolina do enact:*

Acts validated.

SECTION 1. That all the official acts performed by Theodore N. Ross as a justice of the peace in Nashville Township, Nash County, between February thirteenth, one thousand nine hundred twenty-three, and June seventh, one thousand nine hundred twenty-three, are in all respects hereby legalized and validated.

Time covered.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 22d day of August, A.D. 1924.

## CHAPTER 56

### AN ACT TO AMEND SECTION 3310 OF THE CONSOLIDATED STATUTES, RELATING TO THE REGISTRATION OF ANCIENT DEEDS.

*The General Assembly of North Carolina do enact:*

Section amended.

SECTION 1. That section three thousand three hundred and ten of the Consolidated Statutes be and the same is hereby amended as follows:

Date changed.

(a) By striking out the words "1885" in line one and inserting the words "1890" in lieu thereof.

Date changed.

(b) By striking out the words "one thousand eight hundred and eighty-five" in line three and inserting the words "one thousand eight hundred and ninety" in lieu thereof.

Does not apply to pending actions.

SEC. 2. This act shall not apply to actions pending at the time of its ratification.

SEC. 3. This act shall be in force from and after its ratification. Ratified this the 22d day of August, A.D. 1924.

## CHAPTER 57

AN ACT TO PROVIDE AN EMERGENCY APPROPRIATION OF \$25,000 TO RENEW AND REBUILD THE HEATING PLANT AT THE COLORED DEPARTMENT OF THE STATE SCHOOL FOR THE BLIND AND THE DEAF, RALEIGH, N. C.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the sum of twenty-five thousand dollars (\$25,000), an emergency appropriation, is hereby appropriated to purchase and install new boilers, piping and such radiation as necessary to make an adequate heating plant at the colored department of the State School for the Blind and the Deaf, Raleigh, N. C. Appropriation made.  
Heating plant.

SEC. 2. This act shall be in full force and effect from and after its ratification.

Ratified this the 22d day of August, A.D. 1924.

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CHAPTER 58

AN ACT TO PERMIT PAYMENTS TO THE CLERKS OF THE SUPERIOR COURTS OF HALIFAX AND HERTFORD COUNTIES OF SUMS OF MONEY, NOT EXCEEDING \$300, DUE AND OWING TO PERSONS DYING INTESTATE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter ninety-three of the Public Laws of one thousand nine hundred and twenty-one be amended as follows: By inserting after the word "Harnett" in section two thereof the following: "Halifax and Hertford." Law amended.  
Halifax and Hertford counties.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 22d day of August, A.D. 1924.

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CHAPTER 59

AN ACT FOR THE GRAND JURORS IN HALIFAX COUNTY SERVING SIX MONTHS.

*The General Assembly of North Carolina do enact:*

SECTION 1. At the first fall and spring terms of the criminal courts held for the county of Halifax the grand jurors shall be drawn, the presiding judge shall charge them as provided by law, and they shall serve during the remaining fall and spring terms, respectively. Grand jurors.

SEC. 2. That this act shall apply to Halifax County only.

Applies to Halifax County.

Repealing clause. SEC. 3. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified this the 22d day of August, A.D. 1924.

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## CHAPTER 60

AN ACT TO AMEND SECTION 6122 OF THE CONSOLIDATED STATUTES, IN REGARD TO THE NUMBER OF COPIES OF PUBLICATIONS REQUIRED TO BE PRINTED BY THE GEOLOGICAL BOARD, AND SECTION 6138, IN RELATION TO THE ACCOUNTS OF FOREST WARDENS.

*The General Assembly of North Carolina do enact:*

Section amended. SECTION 1. That section six thousand one hundred and twenty-two of the Consolidated Statutes of one thousand nine hundred and nineteen be and the same is hereby amended by striking out

Number of copies. in lines six and seven the following words: "Three thousand copies," and substituting therefor, "Such number as the Geological Board may direct."

Section amended. SEC. 2. That section six thousand one hundred and thirty-eight of the Consolidated Statutes of one thousand nine hundred and nineteen be amended by striking out the clause thereof commencing in line eleven and ending in line fourteen, which is to the following effect: "All accounts of the forest wardens must be duly sworn to before a justice of the peace, notary public, or other officer qualified to witness such papers within the county in which the expenses were incurred."

Accounts of forest wardens.

Repealing clause. SEC. 3. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 4. This act shall take effect from and after its ratification.  
Ratified this the 22d day of August, A.D. 1924.

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## CHAPTER 61

AN ACT TO AMEND SECTION 2617 OF THE CONSOLIDATED STATUTES, TO CHECK ROAD HOGS AND PROTECT THE CITIZENS OF THE STATE AGAINST THE TRUCK NUISANCE.

*The General Assembly of North Carolina do enact:*

Section amended. SECTION 1. That section two thousand six hundred and seventeen of the Consolidated Statutes be and the same is hereby amended by adding at the end of said section the following:

Vehicles meeting on road. "a. That all operators of motor vehicles on the public roads, in meeting a motor vehicle in operation, shall pass on the right of

the road in such a manner that all of said vehicles, and the load thereof, shall be on the right of the center of the road.

"b. That all operators of motor vehicles on the public roads shall permit all motor vehicles approaching from the rear to proceed, either by turning to the right so that every part of the said vehicle and load thereof shall be on the right of the center of the road, or by proceeding at a rate of speed not in excess of the legal limit, as will allow said following vehicle to proceed without hindrance or obstruction.

Vehicles  
approaching  
from rear.

"c. That any person violating any provision of these subsections shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars (\$50) or imprisoned not exceeding thirty days."

Violation of act  
a misdemeanor.

Punishment.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 22d day of August, A.D. 1924.

## CHAPTER 62

### AN ACT TO AMEND SECTIONS 3214 AND 3219 OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA, RELATIVE TO PARTITION PROCEEDINGS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section three thousand two hundred and fourteen of the Consolidated Statutes be and the same is hereby repealed, and the following inserted in lieu thereof:

Section repealed.

"3214. *Venue in Partition.* The proceeding for partition, actual or by sale, must be instituted in the county where the land or some part thereof lies. If the land to be partitioned consists of one tract lying in more than one county, or consists of several tracts lying in different counties, proceedings may be instituted in either of the counties in which a part of the land is situated, and the court of such county wherein the proceedings for partition are first brought shall have jurisdiction to proceed to a final disposition of said proceedings, to the same extent as if all of said land was situate in the county where the proceedings were instituted."

Substitute.

Proceeding in  
county where  
land lies.

Land lying in  
more than one  
county.

Jurisdiction  
of court.

SEC. 2. That section three thousand two hundred and nineteen of the Consolidated Statutes be amended by adding at the end of said section the following:

Section amended.

"*Provided*, in cases where the land to be partitioned lies in more than one county, then the court may appoint such additional commissioners as it may deem necessary from counties where the land lies other than the county where the proceedings are instituted."

Additional com-  
missioners in  
other counties.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 22d day of August, A.D. 1924.

## CHAPTER 63

AN ACT TO PREVENT PERSONS FROM DISPLAYING ON MOTOR VEHICLES THE EMBLEM OR INSIGNIA OF ANY ORGANIZATION, CLUB, LODGE, ASSOCIATION, FRATERNITY, OR ORDER, UNLESS SUCH PERSON BE A MEMBER THEREOF.

*The General Assembly of North Carolina do enact:*

Organization  
emblems on motor  
vehicles.

Must be member  
of organization.

Violation of act a  
misdemeanor.

Punishment.

SECTION 1. That it shall be unlawful for any person to display on his motor vehicle, or to allow to be displayed on his motor vehicle, any emblem or insignia of any organization, association, club, lodge, order, or fraternity, unless such person be a member of the organization, association, club, lodge, order, or fraternity, the emblem or insignia of which is so displayed.

SEC. 2. Any person violating the provisions of this act shall be guilty of a misdemeanor and shall be subject to a fine not exceeding fifty dollars (\$50) or imprisonment for a period not exceeding thirty days.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 22d day of August, A.D. 1924.

## CHAPTER 64

AN ACT TO AMEND SECTION 3333 OF THE CONSOLIDATED STATUTES, RELATING TO OFFICIAL DEEDS OMITTING SEALS.

*The General Assembly of North Carolina do enact:*

Section amended.

Certain irregular  
deeds validated.

Proviso: does  
not affect pend-  
ing litigation.

SECTION 1. That section three thousand three hundred and thirty-three of the Consolidated Statutes of North Carolina be amended by striking out all of the words thereof, and by inserting in lieu thereof the following: "All deeds executed prior to the ratification of this act, by any sheriff, commissioner, receiver, or other officer authorized to execute a deed by virtue of his office or appointment, in which the officer has omitted to affix his seal after his signature, shall be good and valid nevertheless: *Provided*, this act shall not apply to actions pending at the date of the ratification of this act."

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 22d day of August, A.D. 1924.



## CHAPTER 65

## AN ACT TO DEFINE AND ENLARGE THE DUTIES OF CORONERS AND TO AMEND AND RE-ENACT CHAPTER 20 OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That sections one thousand and fourteen, one thousand and fifteen, one thousand and sixteen, one thousand and seventeen, one thousand and eighteen, one thousand and nineteen, one thousand and twenty, one thousand and twenty-one, and one thousand and twenty-two of the Consolidated Statutes of North Carolina be amended so as to read hereafter as follows:

"1014. *Election; appointment by clerk in special cases.* In each county a coroner shall be elected by the qualified voters thereof in the same manner and at the same time of the election of members of the General Assembly, and shall hold office for a term of two years, or until his successor is elected and qualified. When there is no coroner in the county, or in the case of a vacancy in the office of coroner, occurring for any reason, the clerk of the Superior Court for the county shall appoint the coroner, who shall, upon qualification, hold office until his successor is elected and qualified.

"1015. *Oaths to be taken.* Every coroner, before entering upon the duties of his office, shall take and subscribe to the oaths prescribed for public officers, and an oath of office.

"1016. *Coroner's bond.* Every coroner shall execute an undertaking conditioned upon the faithful discharge of the duties of his office with good and sufficient surety in the penal sum of two thousand dollars (\$2,000), payable to the State of North Carolina, and approved by the board of county commissioners.

"1017. *Coroners' bonds registered; certified copies evidence.* All official bonds of coroners shall be duly approved, certified, registered, and filed as sheriffs' bonds required are to be; and certified copies of the same duly certified by the register of deeds, with official seal attached, shall be received and read in evidence in the like cases and in like manner as such copies of sheriffs' bonds are now allowed to be read in evidence.

"1018. *In case of vacancy, clerk appoints special.* Whenever there is a vacancy existing in the office of coroner in any county, and it is made to appear to the clerk of the Superior Court of such county by satisfactory evidence that a deceased person whose body has been found within the county probably came to his death by the criminal act or default of some person, it is the duty of the clerk of the Superior Court of such county to appoint some suitable person as special coroner to hold an inquest over the body of the deceased. Such special coroner shall not be appointed, however, unless, in the opinion of the clerk, the coroner's investigation ought to be made before he has sufficient time to select a coroner

Sections amended.

Election of coroner.

Term of office.

When appointed by clerk of Superior Court.

Oaths.

Bond.

Coroner's bonds registered.

Certified copies evidence.

Special coroner: how and when appointed.

Clerk of Superior Court.

Special coroner to be appointed only in case of emergency.

Regular coroner to be appointed within thirty days.

Special coroner: powers, duties and liabilities.

Inquests and preliminary hearings.

Investigate suspicious deaths.

Record of investigation. Proviso: jury shall not be summoned if certain facts established.

Such findings incorporated in report. Affidavit indicating blame.

Jury: qualifications of jurors.

Inquiry with jury. Witnesses.

Ascertain guilty persons.

to fill such a vacancy for the remainder of the term, and if it is practical for him to fill such vacancy for the remainder of the term in time for the investigation of the deceased, he shall do so; otherwise, he shall make a special appointment and shall fill the vacancy in the office of coroner for his county as soon as it is practical for him to do so, and not later than thirty days thereafter.

"1019. *Powers, penalties, and liabilities of special coroner.* The special coroner appointed under the provisions of the preceding section shall be invested with all the powers and duties conferred upon the several coroners in respect to holding inquests over deceased bodies, and shall be subject to the penalties and liabilities imposed on the said coroners.

"1020. *The duties of coroners with respect to inquests and preliminary hearings.* The duties of the several coroners with respect to inquests and preliminary hearings shall be as follows:

"1. That whenever it appears that the deceased probably came to his death by the criminal act or default of some person, he shall go to the place where the body of such deceased person is and make a careful investigation and inquiry as to when and by what means such deceased person came to his death and the name of the deceased, if to be found out, together with all the material circumstances attending his death, and shall make a complete record of such personal investigation: *Provided, however,* that the coroner shall not proceed to summon a jury as is hereinafter provided if he shall be satisfied from his personal investigation that the death of the said deceased was from natural causes, or that no person is blamable in any respect in connection with such death, and shall so find and make such finding in writing as a part of his report, giving the reason for such finding; unless an affidavit be filed with the coroner indicating blame in connection with the death of the deceased.

"2. To summon forthwith a jury of six good and lawful men, freeholders, who are otherwise qualified to act as jurors, who shall not be related to the deceased by blood or marriage, or to any person suspected of guilt in connection with such death, and the coroner, upon the oath of the jury at the said place, which bath may be taken by him or any other person authorized to administer oaths, shall make further inquiry as to when, how and by what means such deceased person came to his death, and shall cause to come before himself and the said jury all such persons as may be necessary in order to complete said inquiry.

"3. If it appears that the deceased was slain, or came to his death in such manner as to indicate any person or persons guilty of the crime in connection with the said death, then the said inquiry shall ascertain who was guilty, either as principal or accessory, or otherwise, if known, or in any manner, the cause of his death.

"4. That whenever in such investigations, whether preliminary or before his jury, it shall appear to the coroner or to the jury that any person or persons are culpable in the matter of such death, he shall forthwith issue his warrant for such person and cause the same to be brought before him and the inquiry shall proceed as in the case of preliminary hearings before justices of the peace, and in case it appears to the said coroner and the jury that such persons are probably guilty of any crime in connection with the death of the deceased, then the said coroner shall commit such person to jail, if it appears that such person is probably guilty of a capital crime, and in case it appears that such persons are not probably guilty of a capital crime, but are probably guilty of a lesser crime, then such coroner to have the power and authority to fix bail for such person or persons, all such persons as are found probably guilty in such hearing shall be delivered to the keeper of the common jail for such county by the sheriff or such other officer as may perform his duties at such hearings and committed to jail unless such persons have been allowed and given the bail fixed by such coroner.

Warrant for arrest.  
Inquiry to proceed as preliminary hearing.

If probably guilty, person committed to jail.

Authority to fix bail.

"5. As many persons as are found to be material witnesses in the matters involved in such inquiry and hearings and are not culpable themselves shall be bound in recognizance with sufficient surety to appear at the next Superior Court to give evidence, and such as may default in giving such recognizance may be by such coroner committed to jail as is provided for State witnesses in other cases.

Material witnesses.  
Bound with surety to appear at next term of court.  
Fail to give recognizance, coroner may commit to jail.

"6. To summon a physician or surgeon and to cause him to make such examination as may be necessary whenever it appears to such coroner as proper to have such examination made, or, upon request of his jury, or upon the request of the solicitor of his district or counsel for any accused or any member of the family of the deceased: *Provided, however,* that when the coroner shall himself be a physician or surgeon, he may make such examination himself.

Physician or surgeon called to make examination.

Proviso: coroner, if physician or surgeon, may make examination.

"7. Immediately upon information of the death of a person within his county under such circumstances as, in the opinion of the coroner, may make it necessary for him to investigate the same, to notify the solicitor of his district, and to make such additional investigation as he may be directed to do by such solicitor.

On information of suspicious death, coroner to notify solicitor.

"8. To permit counsel for the family of the deceased, the solicitor of his district, or any one designated by him, and counsel for any accused person to be present and participate in such hearing and examine and cross-examine witnesses and, whenever a warrant shall have been issued for any accused person, such accused person shall be entitled to counsel and to a full and complete hearing.

Counsel for interested parties at hearing.

Accused person entitled to counsel.

"9. To begin his inquiry with his jury where the body of the deceased shall be, said hearing may be adjourned to other times and places, and the body of the deceased need not be present at such further hearing.

Begin inquiry where body shall be.

Testimony of witnesses.  
Signed and attested.

Testimony may be taken by stenographer.  
Expenses.

Testimony of witness signed and attested.

Coroner's seal.

Statements as evidence.

Coroner acting as sheriff.

When office is vacant.

Sheriff party to legal proceeding.

Clerk to appoint special coroner to execute process.

Jurors' compensation.

Coroner to take proof of service of jurors.  
Mileage.

File account with county commissioners.  
How paid.

Coroner's inquiry in lieu of preliminary hearing.

Cases docketed by clerk.

"10. To reduce to writing all of the testimony of all witnesses, and to have each witness to sign his testimony in the presence of the coroner, who shall attest the same, and, upon direction of the solicitor of the district, all of the testimony heard by the coroner and his jury shall be taken stenographically, and expense of such taking, when approved by the coroner and the solicitor of the district, shall be paid by the county. When the testimony is taken by a stenographer, the witness shall be caused to sign the same after it has been written out, and the coroner shall attest such signature. That the attestation of all the signatures of witnesses who shall testify before the coroner shall include attaching his seal, and such statements, when so signed and attested, shall be received as competent evidence in all courts either for the purpose of contradiction or corroboration of witnesses who make the same, under the same rules as other evidence to contradict or corroborate, may be now admitted.

"1021. *Acts as sheriff in certain cases; special coroner.* If at any time there is no person properly qualified to act as sheriff in any county, the coroner of such county is hereby required to execute all process and in all other things to act as sheriff, until some person is appointed sheriff in said county; and he shall be under the same rules and regulations, and subject to the same forfeitures, fines, and penalties as sheriffs are by law for neglect or disobedience of the same duties. If at any time the sheriff of any county is interested in or a party to any proceeding in any court, and there is no coroner in such county, or if the coroner is interested in any such proceeding, then the clerk of the court from which such process issues shall appoint some suitable person to act as special coroner to execute such process, and such special coroner shall be under the same rules, regulations, and penalties as hereinabove provided for.

"1022. All persons who may be summoned to act as jurors in any inquest held by a coroner over dead bodies, and who, in obedience thereto, appear and act as such jurors, shall be entitled to the same compensation in per diem and mileage as is allowed by law to jurors acting in the Superior Courts. The coroners of the respective counties are authorized and empowered to take proof of the number of days of service of each juror so acting, and also of the number of miles traveled by such juror in going to and returning from such place of inquest, and shall file with the board of commissioners of the county a correct account of the same, which shall be, by such commissioners, audited and paid in the manner provided for the pay of jurors acting in the Superior Courts.

"1022-a. That all hearings by a coroner and his jury, as provided herein, when the accused has been arrested and has participated in such hearing, shall be in lieu of any other preliminary hearing before a justice of the peace or a recorder, and such cases shall



be immediately sent to the clerk of the Superior Court of such county and docketed by him in the same manner as warrants from justices of the peace. Any accused person who shall be so committed by a coroner shall have the right, upon *habeas corpus*, to have a judge of the Superior Court review the action of the coroner in fixing bail or declining the same.

Habeas corpus.

"1022-b. That all process, both subpœnas and warrants for the arrest of any person or persons, and orders for the summoning of a jury, in case it may appear necessary for such coroner to issue such order, shall be served by the sheriff or other lawful officer of the county in which such dead body is found, and in case it is necessary to subpœna witnesses or to arrest persons in a county other than such county in which the body of the deceased is found, then such coroner may issue his process to any other county in the State, with his official seal attached, and such process shall be served by the sheriff or other lawful officer of the county to which it is directed, but such process shall not be served outside of the county in which such dead body is found unless attested by the official seal of such coroner."

Coroner's process:  
how served.

Process to  
another county.

Official seal  
attached.

SEC. 2. This act shall be in force from and after its ratification.  
Ratified this the 22d day of August, A.D. 1924.

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## CHAPTER 66

### AN ACT TO PLACE THE NAME OF G. A. McRAE, OF MOORE COUNTY, ON THE PENSION ROLL.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the name of G. A. McRae, Confederate veteran, of Moore County, and Mrs. Mary A. Calloway, widow of a Confederate veteran, of Beaufort County, be placed on the pension roll.

Names placed  
on roll.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 22d day of August, A.D. 1924.

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## CHAPTER 67

### AN ACT IN RELATION TO INVESTMENTS BY BANKS IN REAL ESTATE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter four of Public Laws of one thousand nine hundred and twenty-one be amended by adding at the end of paragraph (a) of subsection three of section twenty-six of said act the following: "Provided further, that the Corporation Commis-

Law amended.  
Proviso:  
Corporation  
Commission may  
authorize contin-  
uance of certain  
investments.



sion may in its discretion authorize the continuance of investments made prior to the first day of January, one thousand nine hundred and twenty-three, of the character described in paragraph (a), subsection three, of section twenty-six of the Public Laws of one thousand nine hundred and twenty-one."

Sec. 2. That this act shall be in force from and after its ratification.

Ratified this the 22d day of August, A.D. 1924.

## CHAPTER 68

### AN ACT TO VALIDATE THE ACTS OF CERTAIN NOTARIES PUBLIC.

*The General Assembly of North Carolina do enact:*

Certain  
acknowledgments  
validated.

Time limit.

Proviso: does  
not affect pend-  
ing litigation.

SECTION 1. That no acknowledgment or proof of execution, including privy examination of married women, of any mortgage or deed of trust executed to secure the payment of any indebtedness to any banking corporation taken prior to the first day of January, one thousand nine hundred and twenty-four, shall be held invalid by reason of the fact that the officer taking such acknowledgment, proof, or privy examination was a stockholder, officer, or director in such banking corporation: *Provided*, that this act shall not affect pending litigation.

Sec. 2. That this act shall be in force from and after its ratification.

Ratified this the 22d day of August, A.D. 1924.

## CHAPTER 69

### AN ACT TO AUTHORIZE THE STATE HIGHWAY COMMISSION TO MAKE CERTAIN PURCHASES.

*The General Assembly of North Carolina do enact:*

State Highway  
Commission given  
authority to  
purchase.

On request of  
counties.

Resell to counties.

Certain equip-  
ment.

Motor vehicles to  
transport school  
children.

SECTION 1. The State Highway Commission may at its discretion, and is hereby authorized, when requested by the board of county commissioners, county highway commission, or body having charge of the construction or maintenance of roads in any county in the State, to make purchases and resell to said county any equipment, supplies, machinery, trucks, motor vehicles, and material to be used in connection with the construction or upkeep of the said roads; and is hereby likewise authorized, upon request of the board of county commissioners, board of education, or other body having the right to contract in the premises, to buy motor vehicles, equipment and supplies to be used in connection with the

transportation of pupils to and from the said schools, and resell the same to said counties: *Provided, however,* that the State Highway Commission may require such deposit or assurances on the part of the county as they may deem proper before making said purchase or reselling to said county.

Proviso: deposit or assurance on part of county may be required by State Highway Commission.

SEC. 2. This act shall be in force from and after its ratification. Ratified this the 22d day of August, A.D. 1924.

## CHAPTER 70

AN ACT TO AUTHORIZE THE BOARD OF PUBLIC BUILDINGS AND GROUNDS TO ERECT AN OFFICE BUILDING ON THE PROPERTY OWNED BY THE STATE AND CONTRACTED TO BE BOUGHT BY THE STATE IN THE NORTHWEST CORNER OF SALISBURY AND MORGAN STREETS IN THE CITY OF RALEIGH, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of public buildings and grounds is hereby authorized and empowered to have proper plans and specifications prepared, and to erect and construct according to the plans and specifications approved by them, an office building on the property owned by the State and contracted to be bought by the State through the Memorial Association, the said property fronting on Salisbury Street and extending on the south to Morgan Street and on the north to the Raney Library lot, in Raleigh, North Carolina, at a cost not to exceed five hundred thousand dollars.

Board of public buildings and grounds.  
Plans and specifications.  
Erect office building.  
Site.

SEC. 2. In order to pay for the drawing of the plans, architectural supervision and the erection and construction of said building, the said board of public buildings and grounds is hereby authorized to use so much of the money collected by the Secretary of State out of the amount set aside by the Legislature of the State to pay the expenses of the automobile department not exceeding the sum of five hundred thousand dollars, including the amount necessary to be paid in order to acquire the title to what is known as the memorial building lot, which lot adjoins on the south the lot of the Raney Library, the said amount so set aside in section twenty-seven, chapter two, of the Public Laws of one thousand nine hundred and twenty-one being ten per cent of the total amount collected by the Secretary of State under that act.

Cost.  
Funds for erecting building.  
Money collected by Secretary of State and set aside for expenses of Automobile Department.  
\$500,000 not to be exceeded.  
Fund from which money shall be used.

SEC. 3. Upon the written request of the board of public buildings and grounds, signed by the chairman and secretary thereof, the Auditor of the State is hereby directed to issue warrants for such amounts and to such persons as may be named in said certificates, and the Treasurer of the State is directed to pay the same and to charge the same to the unused portion of the amount set aside by the Legislature to pay the expenses of the automobile

Auditor to issue warrants.  
Treasurer directed to pay.

department of the State, not exceeding in the aggregate the sum of five hundred thousand dollars (\$500,000).

Bids to be advertised for.

SEC. 4. That after the said board of public buildings and grounds has approved the plans and specifications prepared under its direction by an architect to be selected by it, bids for the contract to erect said building shall be advertised for and the said contract shall be awarded to the lowest responsible bidder, who shall be required to give bond in a surety company in an amount to be fixed by the board of public buildings and grounds, which said amount shall be sufficient to protect and save harmless the State from any and all claims for labor and material used in the construction of said building.

Contract award.

Bond.

Use of building.

SEC. 5. That after the said building is erected, so much of the space as may be necessary shall be set apart for the use of the automobile department of the State and the remaining space in said building not so used shall be set apart for the use of legislative committees, and that no commission or committee now exercising a function over State buildings shall have the authority to permit anybody else to use said space. It is further provided that the space now occupied by the automobile department in the State warehouse building shall be turned over to the Highway Commission for their use.

Automobile Department.  
Legislative committees.

No authority given to permit anybody else to use space.

Space now used by automobile department to be used by Highway Commission.

SEC. 6. This act shall be in full force and effect from and after its ratification.

Ratified this the 22d day of August, A.D. 1924.

## CHAPTER 71

### AN ACT TO AUTHORIZE THE SECRETARY OF STATE TO ISSUE A GRANT TO LAND IN DARE COUNTY.

Preamble:  
Fisheries Commission Board opened channel and canal in Dare County.

Whereas the Fisheries Commission Board of the State of North Carolina found it necessary in the performance of the duties and functions imposed upon it in chapter thirty-seven of the Consolidated Statutes of one thousand nine hundred and nineteen and amendments thereto since, to open a channel and canal in Dare County, beginning at the Atlantic Ocean, near the former site of New Inlet, to run in a general westerly direction to and into Pamlico Sound; and

Preamble: Pea Island Club owns lands that would be affected by canal.

Whereas the Pea Island Club is the owner of certain lands which would be affected by the cutting of said canal; and

Preamble: to avoid controversies, club given prior right to enter land made by opening of waterways.

Whereas the said Fisheries Commission Board found it necessary, to avoid suits and controversies with said Pea Island Club, that N. E. Gould of Manteo, Dare County, representing the Pea Island Club, in their behalf should have the prior right to enter the land made by the dredging and opening of this channel and canal; and

Whereas such was the nature of the made land thus formed that it is not possible to apply strictly to this situation the machinery provided in chapter one hundred and twenty-eight of the Consolidated Statutes of one thousand nine hundred and nineteen, on account of the character and nature of this made land; and

Preamble:  
machinery provided in Consolidated Statutes not applicable.

Whereas it is desirable that the contract made by the Fisheries Commission Board with the Pea Island Club before making the channel or inlet above referred to be carried out in good faith: Now, therefore,

Preamble:  
desirable to have contract carried out in good faith.

*The General Assembly of North Carolina do enact:*

SECTION 1. The Secretary of State is hereby directed, upon the payment of the price for State lands provided in section seven thousand five hundred and seventy-five of the Consolidated Statutes of North Carolina, to convey such made land to N. E. Gould of Manteo, Dare County, in accordance with the description of said lands made by Brent S. Drane, engineer in charge of the work in accordance with two blue-prints made by said Drane and filed in the office of the Secretary of State, the general description of said lands being as follows:

Secretary of State directed to convey land.

N. E. Gould, club's representative.  
Conveyance in accordance with certain blue-prints.

"All those certain islands or 'lumps' created by the dredge of material excavated in the construction of the channel and the canal, in connection with the reopening of New Inlet, Dare County, North Carolina, by the North Carolina Fisheries Commission, during the period from April first to July fifteenth, one thousand nine hundred and twenty-four, and also all additions or artificial accretions to lands owned by the Pea Island Club, formed as hereinbefore described but not constituting separate islands; the deposits of such material being thirty in number, located as shown on the plat hereto annexed, drawn to a scale of one thousand feet to one inch, and identified by the signature of Brent S. Drane, engineer, and shown on said plat by numbers from one to thirty, consecutively, and having a combined total area (exclusive of any lands over which any of such deposits overlap) of thirty-two and eighty one-hundredths acres; all of the said islands and accretions being near or adjacent to the lands of the Pea Island Club, situated approximately six miles north of the village of Rodanthe, Dare County, North Carolina. There is specifically excepted from the operation of this instrument a small 'lump' herby specifically referred to for purpose of greater clearness, the said 'lump' being particularly identified by the words 'Hunting Box' on the plat hereto annexed, and more particularly described by a notation on said plat; the said 'lump' containing the said 'Hunting Box' being understood not to be the property of the said Pea Island Club, and not being part of the land newly created by the dredging process."

General description.

Part of land specifically excepted from conveyance.

SEC. 2. This act shall be in force and effect from and after its ratification.

Ratified this the 22d day of August, A.D. 1924.

## CHAPTER 72

AN ACT TO PLACE THE NAME OF MRS. SARAH J. RUMAGE,  
OF STANLY COUNTY, WIDOW OF A CONFEDERATE VET-  
ERAN, ON THE PENSION ROLL.*The General Assembly of North Carolina do enact:*Allowed regular  
pension.

SECTION 1. That Mrs. Sarah J. Rumage, widow of Frank Rumage, a Confederate veteran, of Stanly County, be and she is hereby allowed the regular pension accruing to widows of Confederate veterans under the pension laws of the State.

Auditor author-  
ized to place  
name on roll and  
pay pension.

SEC. 2. That the State Auditor is authorized and directed to place the name of Mrs. Sarah J. Rumage upon the pension rolls of his office and pay to her the pension as prescribed in section one of this act.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 22d day of August, A.D. 1924.

## CHAPTER 73

AN ACT TO APPOINT JUSTICES OF THE PEACE FOR THE  
SEVERAL COUNTIES OF NORTH CAROLINA.*The General Assembly of North Carolina do enact:*Justices of the  
peace named for  
townships and  
counties.  
Term.  
When term  
begins.

SECTION 1. That the following named persons be and they are hereby appointed justices of the peace for their respective townships and counties in North Carolina for a term of six years, except when a different time is named herein, said terms to begin on the first day of October, one thousand nine hundred and twenty-four, or when their present terms expire :

Ashe County.

ASHE COUNTY

*Clifton Township*—J. A. Jones.*Peak Creek Township*—T. F. Miller.

Avery County.

AVERY COUNTY

*Wilson Creek Township*—F. R. Coffey.*Cranbury Township*—Dan Ellis.

Bertie County.

BERTIE COUNTY

*Mitchell Township*—Lacy M. Early.

Bladen County.

BLADEN COUNTY

*Brown Marsh Township*—H. F. Little.*Bladenboro Township*—H. J. White.*Bethel Township*—N. W. Hester.



## BURKE COUNTY

Burke County.

*Morganton Township*—James L. McGall.

## CASWELL COUNTY

Caswell County.

*Yanceyville Township*—A. Y. Kerr.*Dan River Township*—J. A. Gatewood.

## CHEROKEE COUNTY

Cherokee County.

*Murphy Township*—J. H. Mintz.

## CRAVEN COUNTY

Craven County.

*Number Three Township*—A. W. Avery.*Number Eight Township*—E. W. Patterson.

## DAVIDSON COUNTY

Davidson County.

*Emmons Township*—T. W. Ingram.

## DUPLIN COUNTY

Duplin County.

*Warsaw Township*—W. O. Singletary, W. R. Blackmore.

## GASTON COUNTY.

Gaston County.

*Dallas Township*—T. C. Adams.

*Gastonia Township*—Tom Rankin, B. Capps (*Provided*, section one hundred and ninety-eight of the Consolidated Statutes shall not apply to the appointment of B. Capps).

Proviso: section indicated shall not apply to appointment of B. Capps.

## HENDERSON COUNTY

Henderson County.

*Edneyville Township*—J. B. Lamb.*Hendersonville Township*—J. S. Jones.

## HERTFORD COUNTY

Hertford County.

*Murfreesboro Township*—H. E. Dixon, L. H. Holloman.*Winton Township*—W. J. Perry, R. E. Liverman.

## JOHNSTON COUNTY

Johnston County.

*Banner Township*—J. M. Lawhon, J. E. McLamb.*Beulah Township*—John H. Watson.

## MCDOWELL COUNTY

McDowell County.

*Marion Township*—G. F. Corpening, Wade H. Hennessee.*Broad River Township*—William Nanny.

## NASH COUNTY

Nash County.

*Whitakers Township*—John W. Blount.

## NEW HANOVER COUNTY

New Hanover County.

*Wilmington Township*—O. E. Todd, J. B. King.

## PAMLICO COUNTY

Pamlico County.

*Number Five Township*—Harvey A. Gaskins.

## Person County.

## PERSON COUNTY

*Roxboro Township*—J. H. Whitt.

## Pitt County.

## PITT COUNTY

*Belvoir Township*—A. L. Thigpen, J. H. Clark.

*Farkland Township*—Clarence E. Pierce.

*Greenville Township*—R. L. Jones, John Ivey Smith, J. A. Stocks.  
for two years.

*Ayden Township*—J. S. Ross.

*Swift Creek Township*—Hugh Stokes.

*Winterville Township*—Hazzard H. May, Joseph O. Harris.

*Chicod Township*—L. A. Stocks.

## Randolph County.

## RANDOLPH COUNTY

*Richland Township*—G. H. Cornelison, C. D. Lawrence.

## Richmond County.

## RICHMOND COUNTY

*Mineral Springs Township*—J. A. Walker.

*Rockingham Township*—R. S. Ledbetter.

*Steel Township*—A. J. Little.

Rutherford  
County.

## RUTHERFORD COUNTY

*Cool Springs Township*—J. C. Harrill.

## Sampson County.

## SAMPSON COUNTY

*Piney Grove Township*—D. J. King, Alex Blackman.

## Stokes County.

## STOKES COUNTY

*Yadkin Township*—Thomas E. Smith.

## Surry County.

## SURRY COUNTY

*Dobson Township*—W. W. Hampton, W. R. Snow, four years.

*Rockford Township*—J. H. Holyfield, four years.

*Stewarts Township*—T. D. Golding, four years.

*Mount Airy Township*—C. C. Hale, B. Y. Graves.

## Vance County.

## VANCE COUNTY

*Henderson Township*—S. B. Rogers.

## Wake County.

## WAKE COUNTY

*Wake Forest Township*—F. J. Duke.

*Raleigh Township*—George W. Kelly, Bennie Morgan, Jonathan W. Daniels.

Sixty days in  
which to qualify.

SEC. 2. That the justices of the peace herein appointed shall have sixty days in which to qualify after the ratification of the act.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 22d day of August, A.D. 1924.

## CHAPTER 74

## AN ACT TO AMEND ARTICLE 1, CHAPTER 90, CONSOLIDATED STATUTES, RELATING TO CHILD LABOR REGULATIONS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That article one of chapter ninety, Consolidated Statutes, entitled "Child Labor Regulations," be and the same is hereby amended by striking out all of section five thousand and thirty-two, and inserting in lieu thereof the following: Law amended.

"5032. *Employment of children under fourteen regulated.* No child under the age of fourteen years shall be employed or permitted to work in or about or in connection with any mill, factory, cannery, workshop, or manufacturing establishment. No child under the age of fourteen years shall be employed or permitted to work in or about or in connection with any laundry, bakery, mercantile establishment, office, hotel, restaurant, barber shop, boot-black stand, public stable, garage, place of amusement, brick yard, lumber yard, or any messenger or delivery service, public works, or any form of street trades, except in cases and under regulations prescribed by the commission herein created: *Provided*, the employments in this section enumerated shall not be construed to include *bona fide* boys' and girls' canning clubs recognized by the Agricultural Department of this State, or vocational training classes authorized by the State Board of Education, and such canning clubs and vocational classes are hereby expressly exempted from the provisions of this article." Children under fourteen years.

SEC. 2. That article one of chapter ninety, Consolidated Statutes, entitled "Child Labor Regulations," be and the same is hereby amended by adding at the end of section five thousand and thirty-three the following: "Nor shall any child under the age of sixteen years be employed, except in cases and under regulations prescribed by the commission herein created, when (1) such child has symptoms of disease contributory to retardation or disability; or (2) when determined by physical examination that employment of such child is injurious to its health; or (3) employed when surrounding conditions are injurious to its morals; or (4) employed when dangerous employment hazards are present." Section amended.

SEC. 3. That article one of chapter ninety, Consolidated Statutes, entitled "Child Labor Regulations," be and the same is hereby amended by striking from said article all of section five thousand and thirty-four and inserting in lieu thereof the following: Children under age of sixteen years.

"5034. *Age certificates.* No child under the age of sixteen years shall be employed in any of the ways enumerated in this act unless at the time of such employment the employer shall in good faith procure, rely upon, and place on file a certificate issued in such form and under such conditions and by such persons as the said Employer's certificate.

- commission herein provided for shall prescribe, showing that the person is of legal age for such employment, and the laws and rules made by the State Child Welfare Commission under authority of this act have been complied with. The possession of such certificate by an employer shall be *prima facie* evidence that he has complied with the requirements and obligations of this act when employing such child. No person shall knowingly make a false statement or present false evidence in, or in relation to any such certificate, or application therefor, or cause any false statement to be made which may result in the issuance of an improper certificate of employment."
- Certificate prima facie evidence employer has fulfilled duty.**
- False statements in certificate.**
- Section amended.** SEC. 4. That article one of chapter ninety, Consolidated Statutes, entitled "Child Labor Regulations," be and the same is hereby amended by adding at the end of section five thousand and thirty-five the following: "And all agents and officials enumerated in this section shall make complete reports of all official acts done in compliance with this chapter on blanks furnished by the State Child Welfare Commission."
- Reports of agents.**
- Section amended.** SEC. 5. That article one of chapter ninety, Consolidated Statutes, entitled "Child Labor Regulations," be and the same is hereby amended by striking from section five thousand and thirty-seven the last sentence in said section, which begins with the word "Such" and ends with the word "annum," and inserting in lieu thereof the following: "Such expense so incurred shall not exceed the sum of twenty thousand dollars (\$20,000) per annum, and all necessary printing shall be paid out of the general fund of the State not otherwise appropriated."
- Expenses of commissioner.**
- Repealing clause.** SEC. 6. That all laws and clauses of laws in conflict with this act are hereby repealed.
- SEC. 7. That this act shall be in force from and after its ratification.
- Ratified this the 22d day of August, A.D. 1924.

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## CHAPTER 75

### AN ACT TO PLACE ON THE PENSION ROLL OF NORTH CAROLINA THE NAMES OF JOHN HUGHES AND VIRGIL DODSON, COLORED, OF CASWELL COUNTY.

- Preamble: recital of service.** Whereas John Hughes, colored, of Caswell County, went to the Civil War with the Milton Blues, under the command of Major L. H. Hunt, of Milton, N. C., and served during the four years of the war as cook, body guard, and laborer, and is now about eighty-four years of age and totally unable to work, and has no property from which to derive any support; and
- Age and disability.**
- Preamble: recital of service.** Whereas Virgil Dodson, colored, of Caswell County, served as cook and body guard to General S. D. Ramseur during the Civil

War, and was with him on the field of battle at the time he was shot and mortally wounded, and conveyed him from the field and nursed him until his death; and

Whereas the said Virgil Dodson is now about eighty-four years old, is unable to work, and has no means of support: Now, therefore, Age and disability.

*The General Assembly of North Carolina do enact:*

SECTION 1. That John Hughes, colored, of Caswell County, and Virgil Dodson, colored, of Caswell County, in consideration of the services rendered by them to the Confederacy during the Civil War, are hereby placed on the pension rolls of North Carolina as fourth-class pensioners. Names placed on pension roll.  
Fourth class.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 22d day of August, A.D. 1924.

## CHAPTER 76

### AN ACT TO PLACE VARIOUS NAMES UPON THE PENSION ROLLS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Greene Manning, Mrs. M. E. Peaden, Martha E. Harris, and Elizabeth Hinson of Pitt County, and Calvin Mitchell and Mrs. J. A. Harris of Chatham County be placed on the pension rolls of the State. Names on pension roll.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 22d day of August, A.D. 1924.

## CHAPTER 77

### AN ACT TO AMEND THE COURT CALENDAR OF THE SEVENTH JUDICIAL DISTRICT IN REFERENCE TO THE COURTS OF WAKE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one thousand four hundred and forty-three of the Consolidated Statutes, and that subdivision thereof designated "Seventh District," and at the bottom of the paragraph regulating the holding of civil terms for Wake County, at the top of page six hundred and thirty-five, after the word "terms" add the following: "*Provided*, that the term beginning on the second Monday after the first Monday in September shall be a mixed Section amended.  
Proviso:  
Mixed term.



Two weeks.

term for the trial of both civil and criminal cases; and that the term for trial of criminal cases beginning on the fourteenth Monday after the first Monday in September shall continue for two weeks."

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 22d day of August, A.D. 1924.

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## CHAPTER 78

### AN ACT TO PROVIDE A PENSION FOR MRS. MARY F. POPE OF SAMPSON COUNTY, WIDOW OF A CONFEDERATE VETERAN.

Preamble: widow of veteran.

Whereas Mrs. Mary F. Pope of Sampson County, widow of a Confederate veteran, has been a widow and entitled to a pension for more than forty-five (45) years; and,

Preamble: disability.

Whereas the said Mrs. Mary F. Pope for more than forty (40) years has been helpless and dependent for support upon her son, who has not been able to provide for the said Mrs. Mary F. Pope; and

Preamble: disability of son.

Whereas, because of his disabilities and infirmities, the son of the said Mrs. Mary F. Pope is not and cannot now support his mother, who is in great need: Now, therefore,

*The General Assembly of North Carolina do enact:*

Name placed on pension roll.

SECTION 1. That Mrs. Mary F. Pope of Sampson County, widow of a Confederate veteran, be and she is hereby placed on the pension roll.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 22d day of August, A.D. 1924.

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## CHAPTER 79

### AN ACT TO CAUSE THE CORPORATION COMMISSION TO CONSTRUCT AN UNDERPASS UNDER THE RAILROAD BETWEEN THE TOWNS OF SPENCER AND EAST SPENCER, IN THE COUNTY OF ROWAN, AND REQUIRE THE RAILROAD COMPANY TO PUT THE SAME THROUGH.

*The General Assembly of North Carolina do enact:*

Corporation Commission.

SECTION 1. That the Corporation Commission of the State of North Carolina is hereby directed, authorized, and empowered to place an underpass, or cause an underpass to be placed, built,

Underpass.

opened and constructed, under the railroad tracks, at a proper and suitable place at or near the Spencer depot, between the towns of Spencer and East Spencer, for the use of the general public, and said Corporation Commission is hereby empowered and directed to charge the costs of said construction, or opening of said underpass, to the railroad company operating railroads or a line of railroads over said underpass, and said Corporation Commission shall proceed without further delay and cause said underpass to be constructed and opened.

Location.

Cost of construction.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

Repealing clause.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 22d day of August, A.D. 1924.

## CHAPTER 80

### AN ACT TO PROHIBIT RAILROAD COMPANIES FROM ENGAGING IN ANY BUSINESS EXCEPT THAT ALLOWED BY THEIR CHARTER.

*The General Assembly of North Carolina do enact:*

SECTION 1. It shall be unlawful for any railroad company incorporated under the laws of this State, or any railroad company incorporated under the laws of any other state and operating one or more railroads in this State, to engage in any business other than the business authorized by its or their charter.

Railroad company doing business not authorized by charter.

SEC. 2. That any railroad company violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined in the discretion of the court.

Violation declared misdemeanor. Punishment.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 22d day of August, A.D. 1924.

## CHAPTER 81

### AN ACT TO PROVIDE FOR THE CLOSING OF COUNTY HIGHWAYS DURING CONSTRUCTION.

*The General Assembly of North Carolina do enact:*

SECTION 1. That if it shall appear necessary to the road governing body of any county, its officers or appropriate employees, to close any road or highway coming under its jurisdiction so as to permit of proper completion of work which is being performed, such road governing body, its officers or employees, may close or

Certain officials may close roads.

Purpose.

Barriers and  
notices.

Removers of  
barriers or  
notices.  
Misdemeanor to  
violate.

Proviso: detour.

Repealing clause.

cause to be closed the whole or any portion of such road or highway deemed necessary to be excluded from public travel. While any such road or highway, or portion thereof, if so closed, or while any such road or highway, or portion thereof, is in process of construction or maintenance, such road governing body, its officers or appropriate employees, or its contractor, under authority from such road governing body, may erect, or cause to be erected, suitable barriers or obstructions thereon, may post, or cause to be posted, conspicuous notices to the effect that the road or highway, or portion thereof, is closed, warning signs, lights and lanterns on such road or highway, or portions thereof. When such road or highway is closed to the public or in process of construction or maintenance, as provided herein, any person who willfully breaks down, drives into new construction work, removes, injures, or destroys any such barrier or barriers or obstructions on road being constructed, or tears down, removes, or destroys any such notices, drives into new construction work, or extinguishes, removes, injures or destroys any such warning lights or lanterns so erected, posted, or placed, shall be guilty of a misdemeanor: *Provided*, a detour shall be provided when the road is closed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 3. That this act shall be in force and effect from and after its ratification.

Ratified this the 22d day of August, A.D. 1924.

## CHAPTER 82

### AN ACT TO PLACE CERTAIN CONFEDERATE SOLDIERS AND WIDOWS OF CONFEDERATE SOLDIERS ON THE PENSION ROLL.

*The General Assembly of North Carolina do enact:*

Names placed  
on rolls.

Two names  
subject to  
approval county  
pension board.

SECTION 1. That the names of William Henry Harrison, a Confederate veteran of Columbus County; Fletcher Auman and D. Graffenreid, the last named colored, both of Montgomery County; Mark Williams and Joseph A. Williams, Confederate veterans of Henderson County, the last two subject to the approval of the pension board of said county; and C. C. Ashe of Swain County, a Confederate veteran; and Joseph E. May, a Confederate soldier of Pitt County; W. L. Phillips of Chatham County, a Confederate soldier; F. P. Smith of Rockingham County, a Confederate veteran; and George Stephen, a Confederate soldier of Caswell County; and Dema Hale and Tamsie Neaves of Ashe County, Iowa Scott Leatherwood of Cherokee County, Alice J. Norton and Mrs. F. M. Cathey of Jackson County, Mrs. Sarah J. Campbell of Hoke

County, Mrs. Nellie Anne Owen of Transylvania County, and Mrs. David Crockett Jones of Rockingham County, Mrs. Dora L. Brown and Mrs. Mary V. Wilson of McDowell County, Mrs. James B. Hudgins of Wake County, Mrs. Victoria McGowan and Saleta A. Bright of Pitt County, Mrs. Orinda Jane Duke of Franklin County, Mrs. Rosa E. Wilkerson, widow of Dr. T. B. Wilkerson, of Granville County, Mrs. J. P. Puette of Caldwell County, Mrs. Adeline McRoy of Brunswick County, Mrs. Amanda Blake of Duplin County, Mrs. Lucy Worthington and Mrs. Julia Worthington of Pitt County, and Mrs. E. C. Lewis of Halifax County, Mrs. Cornelia Smith of Randolph County, and Mrs. Mary Person Moore of Northampton County, deserving widows, and T. J. Harding and R. R. Warren of Beaufort County, and W. A. Bailey of Burke County, be allowed the regular pensions accruing to Confederate veterans and their widows under the pension laws of North Carolina. Regular pensions.

SEC. 2. That the State Auditor is authorized and directed to place the names set out in section one upon the pension rolls of his office and pay to them the pensions as prescribed in this section. Auditor.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 22d day of August, A.D. 1924.

## CHAPTER 83

### AN ACT TO AMEND SECTION 5148 OF THE CONSOLIDATED STATUTES, RELATING TO BLIND OR MAIMED CONFEDERATE SOLDIERS, BY PROVIDING FOR AN INCREASE IN THE PENSION FOR SAID SOLDIERS.

Whereas the rule of paying pensions to blind Confederate soldiers out of the public treasury instead of from special appropriations for Confederate soldiers and their widows provides no increase of pension for the blind Confederate soldiers; and Preamble: present rule provides no increase.

Whereas, by increased appropriation, all other classes of pensioners have received increased allowances excepting only that class for whom the light of day is forever closed: Now, therefore, Preamble: other classes increased.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section five thousand one hundred and forty-eight of the Consolidated Statutes, relating to blind or maimed Confederate soldiers, be and the same is hereby amended by striking from line four of said section the words "one hundred and twenty" and inserting in lieu thereof the words "three hundred." Section amended.  
  
Pensions increased.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 23d day of August, A.D. 1924.

## CHAPTER 84

AN ACT TO PLACE THE NAME OF MRS. HESTER J. L. JAMES OF PENDER COUNTY, WIDOW OF A CONFEDERATE VETERAN, ON THE PENSION ROLL.

*The General Assembly of North Carolina do enact:*

Pension allowed.

SECTION 1. That Mrs. Hester J. L. James, widow of H. J. L. James, a Confederate veteran of Pender County, be and she is hereby allowed the regular pension accruing to widows of Confederate veterans under the pension laws of the State.

Auditor to add name to roll and pay pension.

SEC. 2. That the State Auditor is authorized and directed to place the name of Mrs. Hester J. L. James upon the pension rolls of his office and pay to her the pension as prescribed in section one of this act.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 23d day of August, A.D. 1924.

## CHAPTER 85

AN ACT TO AMEND CHAPTER 216 OF THE PUBLIC LAWS OF 1923, ENTITLED "AN ACT TO RELIEVE CONGESTION IN COURT DOCKETS AND TO PROVIDE NEEDED FACILITIES FOR SPEEDY TRIAL OF CASES, AND TO ESTABLISH GENERAL COUNTY COURTS."

*The General Assembly of North Carolina do enact:*

Law amended.

SECTION 1. That chapter two hundred and sixteen of the Public Laws of one thousand nine hundred and twenty-three be and the same is hereby amended as follows:

Section amended.  
Salary of judge of general county court.

(a) Amend section two as follows: By striking out the words "shall not be less than thirty-six hundred dollars, and it shall not be increased or" in lines twenty-three and twenty-four thereof; and further amend section two by striking out the next to the last sentence, reading as follows: "The judge of the general county court herein provided for shall not practice law in any of the courts of this State." Further amend section two by adding thereto the following: "If in the opinion of the board of commissioners the best interests of the county will be promoted thereby, the said board may appoint such judge, fixing his term of office, in which event the judge so appointed shall hold office pursuant to such appointment, and shall not be elected by a vote as herein provided for."

Judge of court as practicing attorney.

Appointment of judge.

Section amended.  
Salary of prosecuting attorney.

(b) Amend section three as follows: By striking out the words "not less than one thousand dollars annually" in lines four and five. Further amend section three by adding thereto the follow-



ing: "If in the opinion of the board of commissioners the best interests of the county will be promoted thereby, the said board may appoint such judge, fixing his term of office, in which event the judge so appointed shall hold office pursuant to such appointment, and shall not be elected by a vote as herein provided for."

(c) By adding a new section, to be known as section five and one-half, as follows: "In those counties in which the clerk of the Superior Court and sheriff are paid fees, and not salaries, such clerk and sheriff shall receive the same fees for services rendered in the general county court as they would have received had such services been rendered in the Superior Court."

(d) Amend section eight by adding thereto the following: "Any defendant in a criminal action may demand a trial by jury, in which event such defendant shall not be required to deposit the sum of three dollars. Such jury shall be drawn as herein otherwise provided for."

(e) Amend section thirteen by adding thereto a new subsection, to be numbered five, as follows:

"5. In counties in which there is a special court or courts for cities and towns, the jurisdiction of the general county court in criminal actions shall be concurrent with the jurisdiction conferred upon such special courts."

SEC. 2. Further amend said chapter two hundred and sixteen by adding thereto the following sections, to be numbered as hereinafter set out:

"SEC. 24-a. If in the opinion of the board of commissioners of any county, the public interests will be best promoted by so doing, they may establish a general county court under this act, by resolution which shall, in brief, recite the reasons for the establishment thereof, and further recite that, in the opinion of the board of commissioners, it is not necessary that an election be called upon the establishment of such court as herein provided for, and upon the adoption of such resolution the board of commissioners may establish said court without holding such election."

"SEC. 24-b. Whenever in the opinion of the board of commissioners of any county in which a court has been established under this act, the conditions prevailing in such county are such as to no longer require the said court, such board of county commissioners may, by proper resolution reciting in brief the reasons therefor, abolish said court: *Provided*, no such court shall be abolished except at the end of the terms of office of the judge and solicitor, unless such judge and solicitor shall voluntarily tender their resignations, setting forth, in brief, that in their opinion the existence of the said court is no longer necessary, in which event the board of commissioners may forthwith abolish the same."

"SEC. 24-c. Upon the establishment of the general county court, as in this act authorized, the clerk of the Superior Court shall

Appointment  
of judge.

New section.

Fees of clerk and  
sheriff.

Section amended.

Trial by jury may  
be demanded.

Deposit not  
required.

Section amended.

Jurisdiction of  
court in counties  
where there are  
special courts for  
cities and towns.

Sections added.

General county  
court: how  
established.

Election  
unnecessary.

Court: how  
abolished.

Proviso: to be  
abolished only at  
end of terms of  
office of judge  
and solicitor.

May be abolished  
at any time upon  
resignation of  
judge and  
solicitor.

Upon establish-  
ment of court,  
actions pending  
to be transferred  
from Superior  
Court.

immediately transfer from the Superior Court to such general county court all criminal actions pending in the Superior Court of which the general county court has jurisdiction, as in this act conferred, and the general county court shall immediately proceed to try and dispose of such criminal actions.

Transfer of action upon motion.

"SEC. 24-d. The judge of the Superior Court, in term, may transfer to the general county court any action pending in the Superior Court, upon motion, if in his opinion the ends of justice would be best served, such transfer to be upon motion, of which due notice shall be given, and the general county court shall have jurisdiction to try all such civil actions as shall be transferred into it as herein authorized.

Notice of motion.

Civil actions.

Costs in criminal and civil actions.

"SEC. 24-e. Cost in both criminal and civil actions shall be taxed and collected as now provided by law.

Act does not apply to county in which exists court inferior to Superior Court created by special act.

Counties to which act does not apply.

"SEC. 24-f. This act shall not apply to any county in which there has been established a court, inferior to the Superior Court, by whatever name called, by a special act, nor shall this act apply to the following counties: Granville, Iredell, New Hanover, Pasquotank, and Wake, nor shall it apply to the counties in the Sixteenth (16th), Seventeenth (17th), and Nineteenth (19th) Judicial Districts."

SEC. 3. This act shall be in force from and after the date of its ratification.

Ratified this the 23d day of August, A.D. 1924.

## CHAPTER 86

### AN ACT TO PROVIDE FREE TREATMENT FOR INDIGENT TUBERCULAR PATIENTS.

*The General Assembly of North Carolina do enact:*

Law amended.

SECTION 1. That chapter one hundred and eighteen of the Consolidated Statutes of North Carolina, article thirteen thereof, be amended by adding after section seven thousand one hundred and seventy-three a new section, numbered seven thousand one hundred and seventy-three (a), as follows: "That the said directors in determining the qualifications for admission for those applying as patients to the institution and in making by-laws and regulations for the governing therein shall not provide or make any by-law, regulation, or qualification for admission therein which shall exclude any patient, otherwise properly qualified for admission, on account of inability to pay for examination and treatment, or either, at said institution. That all indigent patients who otherwise are proper patients for admission in said institution when there is space and accommodation for such patient, shall be received without regard to their indigent condition; but the directors

New section.

Regulations shall not exclude patients because of inability to pay.

Indigent patients, when space permits, shall be received without regard to their indigent condition.

of said institution shall require of all patients who are able to pay, including those having persons upon whom they are legally dependent who are able to pay the reasonable cost of treatment and care of said institution, and they shall make such by-laws and regulations as shall most equitably carry out the directions contained in section seven thousand one hundred and seventy-three of this article. In case those persons upon whom patients are legally dependent or patients not indigent shall refuse to pay such charges for treatment and care, then said directors are authorized and empowered to institute an action in the name of the said Sanatorium in the Superior Court of Hoke County for the collection thereof, and if the amount so charged is less than two hundred dollars (\$200), then said action shall be instituted in the county where the defendant resides in a court having jurisdiction thereof; and upon said trial the charges so made shall be collectible, as upon express promise to pay the same."

Patients or persons upon whom they are legally dependent required to pay when able.

Action to recover cost of treatment.

When charges are less than \$200.

Charges collectible as upon express promise to pay.

SEC. 2. That all laws and clauses of laws in conflict herewith to the extent of such conflict are hereby repealed.

SEC. 3. That this action shall be in force from and after its ratification.

Ratified this the 23d day of August, A.D. 1924.

## CHAPTER 87

### AN ACT TO AMEND SECTION 1143 OF THE CONSOLIDATED STATUTES, RELATIVE TO THE TERMS OF COURT OF HALIFAX COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one thousand one hundred and forty-three of the Consolidated Statutes be and the same is hereby amended by striking out all the words of said section commencing with the word "Halifax" and ending with the words "each to continue for two weeks" and inserting in lieu thereof the following: "Halifax, fifth Monday before first Monday in March, to continue for two weeks; second Monday after first Monday in March, to continue for two weeks, for civil cases only; eighth Monday after first Monday in March, for the trial of criminal cases only, and to last for one week; thirteenth Monday after first Monday in March, to last two weeks, for the trial of civil and criminal cases; third Monday before first Monday in September, to last for two weeks, for the trial of civil and criminal cases; fourth Monday after first Monday in September, to continue for two weeks, for the trial of civil cases only, and for this term of court the Governor is hereby directed to appoint a judge to hold the same from among the regular or emergency judges; twelfth Mon-

Section amended.

Terms of court for Halifax County.

Governor to appoint judge for term.

day after first Monday in September, for the trial of civil and criminal cases, and to last for two weeks."

SEC. 2. That this act shall be in force from and after January first, one thousand nine hundred and twenty-five.

Ratified this the 23d day of August, A.D. 1924.

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## CHAPTER 88

AN ACT TO PLACE THE NAME OF MRS. MARY JANE DEBOUSE OF PENDER COUNTY, WIDOW OF A CONFEDERATE VETERAN, ON THE PENSION ROLL.

*The General Assembly of North Carolina do enact:*

Pension allowed.

SECTION 1. That Mrs. Mary Jane Debose of Pender County, widow of J. D. Debose, a Confederate veteran, be and she is hereby allowed the regular pension accruing to widows of Confederate veterans under the pension laws of the State.

Name added to roll.

SEC. 2. That the State Auditor is authorized and directed to place the name of Mrs. Mary Jane Debose upon the pension rolls of his office and pay to her the pension as prescribed in section one of this act.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 23d day of August, A.D. 1924.

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## CHAPTER 89

AN ACT TO AMEND SECTION 2114 OF THE CONSOLIDATED STATUTES, RELATING TO THE CLOSE SEASON FOR HUNTING SQUIRREL, AND PROVIDING A DIFFERENT CLOSE SEASON FOR MARTIN COUNTY.

*The General Assembly of North Carolina do enact:*

Section amended.

SECTION 1. That section two thousand one hundred and fourteen of the Consolidated Statutes, relating to the close season for hunting squirrel in certain counties, be and the same is hereby amended by striking out the line which reads as follows: "Martin—Mar. 1 to Oct. 1," and inserting in lieu thereof the following: "Martin—Mar. 1 to Sept. 1."

Close season for squirrel.  
Martin County.

Repealing clause.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 23d day of August, A.D. 1924.

## CHAPTER 90

AN ACT TO AMEND SECTION 2116 OF THE CONSOLIDATED STATUTES, RELATING TO THE CLOSE SEASON FOR HUNTING QUAIL OR PARTRIDGE, AND PROVIDING A DIFFERENT CLOSE SEASON FOR MARTIN COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section two thousand one hundred and sixteen of the Consolidated Statutes, relating to the close season for hunting quail or partridge, be and the same is hereby amended by striking out the line which reads as follows: "Martin—Mar. 1 to Nov. 1," and inserting in lieu thereof the following: "Martin—Mar. 1 to Nov. 15."

Section amended.  
Close season for  
quail or partridge.  
Martin County.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Repealing clause

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 23d day of August. A.D. 1924.

## CHAPTER 91

AN ACT TO AMEND THE CONSTITUTION OF THE STATE OF NORTH CAROLINA, TO PROVIDE FOR THE INVIOABILITY OF SINKING FUNDS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Constitution of North Carolina be and the same is hereby amended in manner and form as follows: Insert a new section, which shall be known as section thirty of article two, said section to read as follows:

Amendment to  
State Constitution.

"SEC. 30. The General Assembly shall not use, nor authorize to be used, any part of the amount of any sinking fund for any purpose other than the retirement of the bonds for which said sinking fund has been created."

Provide for  
inviolability of  
sinking funds.

SEC. 2. That this amendment shall be submitted to all the qualified voters of the State at the next general election.

Amendment to  
be submitted to  
voters.

SEC. 3. That the electors favoring the adoption of this amendment shall vote a ballot on which shall be written or printed "For Sinking Fund Amendment," and those opposed shall vote a ballot on which shall be written or printed the words "Against Sinking Fund Amendment."

Ballots.

SEC. 4. That the election upon this amendment shall be conducted in the same manner and under the same rules and regulations as provided by the laws governing general elections; and, if a majority of the votes cast be in favor of the amendment, it shall

Election: how  
conducted.  
If election carries,  
Governor to cer-  
tify amendment  
to Secretary of  
State.



To be enrolled by  
Secretary of State.

Effective upon  
certification.

be the duty of the Governor of the State to certify the amendment under the Seal of the State to the Secretary of State, who shall enroll the said amendment so certified among the permanent records of his office, and the same shall be in force, and every part thereof, from and after the date of such certification.

SEC. 5. That this act shall be in force from and after its ratification.

Ratified this the 23d day of August, A.D. 1924.

## CHAPTER 92

AN ACT SUPPLEMENTAL TO AN ACT PASSED AT SPECIAL SESSION OF 1924, BEING SENATE BILL NO. 79, HOUSE BILL NO. 277, RELATING TO THE DIVIDING LINE BETWEEN THE COUNTIES OF DUPLIN AND ONSLOW.

*The General Assembly of North Carolina do enact:*

Law passed by  
present session  
amended.

SECTION 1. That Senate Bill number seventy-nine, House Bill number two hundred and seventy-seven, ratified August twentieth, one thousand nine hundred and twenty-four, relating to the establishment of a dividing line between the counties of Duplin and Onslow, be and the same is hereby amended as follows: Strike out the last paragraph of the preamble containing the words "Whereas the same has not been completed on account of the business engagements of the commissioners herein appointed."

Words stricken  
out.

Commissioners  
added to run line.

SEC. 2. That said act be amended further by adding after the word "county" and before the word "be" in line four of section two thereof the following: "H. D. Williams of Duplin County, and Nere E. Day of Onslow County."

SEC. 3. That this act shall be in force and effect from and after its ratification.

Ratified this the 23d day of August, A.D. 1924.

## CHAPTER 93

AN ACT TO AMEND SECTION 2296 OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA, RELATING TO ESTATES OF INSANE PERSONS.

*The General Assembly of North Carolina do enact:*

Section amended.

SECTION 1. That section twenty-two hundred ninety-six of the Consolidated Statutes of North Carolina be and the same is hereby amended by inserting therein, after said section, the following:

Estate of insane  
person.

"Whenever any non-sane person of full age, not being married and not having issue, be possessed, or his guardian be possessed for him, of any estate, real or personal, or of an income which is

more than sufficient amply to provide for such person, it shall be lawful for the clerk of the Superior Court for the county in which such person resided prior to insanity to order from time to time, and so often as he may deem expedient, that fit and proper advancements be made, out of the surplus of such estate or income, to his or her parents, brothers and sisters, or grandparents to whose support, prior to his insanity, he contributed in whole or in part."

Clerk of court to make advancements to dependent relatives.

SEC. 2. That all laws and clauses of laws in conflict with this act be and they are hereby repealed.

Repealing clause.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 23d day of August, A.D. 1924.

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## CHAPTER 94

### AN ACT TO PROVIDE FOR THE APPOINTMENT OF A COMMISSION TO INVESTIGATE THE FEASIBILITY OF ESTABLISHING A STATE CONSTABULARY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That a commission of five men be appointed by the Governor and approved by the Senate to investigate the feasibility and advisability of the establishment of a police force or constabulary to assist the various counties, towns, and municipalities of the State in the enforcement of law and order on the highways, in the counties, towns and cities of the State. The said commission shall elect one of its members as chairman and one of its members as secretary. That the said commission shall report the result of their findings to the regular session of the General Assembly of the year 1925.

Appointment.

Purpose.

Organization of commission.

Report.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

Repealing clause.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 23d day of August, A.D. 1924.

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## CHAPTER 95

### AN ACT VALIDATING DEEDS MADE BY INCORPORATED CITIES AND TOWNS CONVEYING PARK LANDS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That all deeds heretofore made, executed, and delivered, for a good and valuable consideration, by incorporated cities and towns conveying lands used for park purposes, without authority to make and deliver such deed having been first granted

Certain deeds of cities and towns.

Made without authority of General Assembly.

Declared valid  
conveyances.

by the General Assembly, are hereby in all respects validated, ratified, and confirmed as fully and completely as if said cities and towns had been granted authority of the General Assembly to make and deliver said deeds, and said deeds are hereby declared to be valid conveyances of the land and premises therein described.

Pending litigation  
not affected.

SEC. 2. This act shall not apply to pending litigation.

SEC. 3. This shall be in full force and effect from and after its ratification.

Ratified this the 23d day of August, A.D. 1924.

## CHAPTER 96

### AN ACT FOR THE RELIEF OF MRS. FANNIE TWISDALE GUERRANT.

Preamble:  
service recited.

Whereas Lieutenant Peter Phillip Guerrant, of Company H, Fourteenth Regiment Virginia Troops, enlisted in the month of April, one thousand eight hundred and sixty-one, and was mustered into the services of the Confederate States on May first, one thousand eight hundred and sixty-one, and served in all the principal battles in Virginia and Maryland until July third, one thousand eight hundred and sixty-three, when he was seriously wounded and captured at the battle of Gettysburg; and

Preamble: citizen  
of North Carolina.

Whereas said Peter Phillip Guerrant became a citizen of Granville County, North Carolina, in the year one thousand eight hundred and seventy-seven, and lived in said county until his death on July eighteenth, one thousand nine hundred and seven; and

Preamble: was  
pensioner at time  
of his death.

Whereas said Peter Phillip Guerrant was placed in the fourth class on the pension roll of North Carolina in the year one thousand nine hundred and two, and drew a pension up until the day of his death in one thousand nine hundred and seven; and

Preamble:  
marriage.

Whereas said Peter Phillip Guerrant was married to Fannie Twisdale of Mecklenburg County, Virginia, on the twenty-sixth day of December, one thousand eight hundred and eighty-six, and lived with her as man and wife until his death, July eighteenth, one thousand nine hundred and seven, since which time said Fannie Twisdale Guerrant has not remarried, but has continued to live in Granville County, North Carolina; and

Whereas said Fannie Twisdale Guerrant bore to said Peter Phillip Guerrant six children, three of whom have married, or removed from home, and one son, in bad health, and two daughters remain with her; and

Widow in need  
of assistance.

Whereas said Fannie Twisdale Guerrant has to make her living by manual labor in attending a grist mill, though she has the use of only one limb and goes on a crutch: Now, therefore,

*The General Assembly of North Carolina do enact:*

SECTION 1. That Mrs. Fannie Twisdale Guerrant, widow of Lieutenant Peter Phillip Guerrant, of Company H, Fourteenth Virginia Regiment, C. S. A., be and she is hereby placed on the pension roll of widows of Confederate States' soldiers in North Carolina.

Widow placed on pension roll.

SEC. 2. That the State Auditor is hereby authorized and directed to issue to said Fannie Twisdale Guerrant his warrant on the Treasury as of the fifteenth day of June, one thousand nine hundred and fifteen, for the same amount as is provided for widows of other Confederate veterans.

Auditor to issue warrant.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 23d day of August, A.D. 1924.

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## CHAPTER 97

### AN ACT TO AMEND SECTION 6. CHAPTER 3, PUBLIC LAWS OF NORTH CAROLINA, EXTRA SESSION OF 1920, RELATIVE TO THE LIMITATION UPON THE BONDED INDEBTEDNESS OF THE VARIOUS COUNTIES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section six of chapter three of the Public Laws of North Carolina, Extra Session of one thousand nine hundred and twenty, be and the same is hereby amended by adding thereto the following: "*Provided, however*, that any county in which the assessed valuation of taxable property, as shown by the last assessment previous to the incurring of any new bonded indebtedness, is not in excess of ten million dollars (\$10,000,000) may issue bonds in an amount not exceeding eight per cent (8%) of said assessed valuation: *Provided further*, that any county in which the assessed valuation of taxable property in the county, as ascertained by the last assessment previous to the incurring of any new bonded indebtedness, is in excess of ten million dollars (\$10,000,000) but not in excess of twenty million dollars (\$20,000,000) may issue bonds in an amount not exceeding seven per cent (7%) of said assessed valuation."

Section amended.

Proviso added: county having certain assessed valuation of taxable property may issue bonds to amount of 8% of said valuation.

Proviso added: county having a greater assessed valuation of taxable property may issue bonds to amount of 7% of said valuation.

SEC. 2. That the provisions of this act shall not apply to Brunswick County.

Act shall not apply to Brunswick County.

SEC. 3. That all laws and clauses of laws in conflict with this act are hereby repealed.

Repealing clause.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified this the 23d day of August, A.D. 1924.

## CHAPTER 98

## AN ACT TO AMEND SECTION 1114 OF THE CONSOLIDATED STATUTES, RELATIVE TO THE FORMATION OF SOCIAL CORPORATIONS.

*The General Assembly of North Carolina do enact:*

Section amended.      SECTION 1. That subsection four of section eleven hundred and fourteen of the Consolidated Statutes be amended by adding after Social corporations. the word "charitable" and before the word "or" in line six thereof the words "nonprofit social."

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 23d day of August, A.D. 1924.

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## CHAPTER 99

## AN ACT AUTHORIZING THE PAYMENT OF PENSION VOUCHER ROLL NUMBER 19, ISSUED TO A. L. McDUFFIE, FOR \$55.

*The General Assembly of North Carolina do enact:*

Voucher author-      SECTION 1. That the Treasurer of the State of North Carolina ized to be paid. be and he is hereby authorized and directed, out of any pension funds in his hands appropriated to Confederate veterans and widows, to pay pension voucher roll number nineteen, issued to A. L. McDuffie for fifty-five dollars (\$55) on June fifteenth, one thousand nine hundred and twenty-four.

Payment to      SEC. 2. That the payment of said voucher shall be made to the Bank of Pee Dee. Bank of Pee Dee, Rockingham, Richmond County, North Carolina, which has advanced the funds called for in same to pay the funeral expenses of said pensioner, who is now deceased.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 23d day of August, A.D. 1924.

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## CHAPTER 100

## AN ACT TO AMEND SECTION 1450, CONSOLIDATED STATUTES, RELATING TO SPECIAL TERMS OF COURT.

*The General Assembly of North Carolina do enact:*

Section amended.      SECTION 1. That section one thousand four hundred and fifty, Special term of Consolidated Statutes, be and the same is hereby amended by court: how adding thereto the following: "The Governor may order a special ordered.



term of court to be held in any county or district during the holding of a regular term of the Superior Court in such county or district, either by a judge of the Superior Court or by any emergency judge if the dispatch of business requires it."

During regular term.

Judge.

SEC. 2. That all laws in conflict with act are hereby repealed, and this act shall be in force and effect from and after its ratification.

Repealing clause.

Ratified this the 23d day of August, A.D. 1924.

## CHAPTER 101

### AN ACT FIXING UNIFORM FEES FOR THE SERVICE OF SUMMONS AND SUBPŒNAS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter seventy-one, article seven, section three thousand nine hundred and eight of the Consolidated Statutes be amended by adding the following: "*Provided*, that when the summons in a civil action or special proceedings shall be from any court of any county other than his own county, the sheriff's fees for serving the same shall be one dollar (\$1) for each defendant named therein; and such service shall include the delivery of copy of said summons and complaint or petition attached to the original summons; and that for subpœnas served from other than the county of said sheriff he shall receive a fee of fifty cents (50c.) for each witness named therein."

Law amended.

Proviso:

Summons from outside county.

Sheriff's fee.

What service shall include.

Subpœnas from outside county. Sheriff's fee.

SEC. 2. That this act shall not affect fees provided in section three thousand nine hundred and nine of the Consolidated Statutes of said chapter and article for service upon the waters of the counties of Carteret, Dare, Hyde, and Pamlico.

Service upon waters of certain counties.

SEC. 3. That all laws and clauses of laws in conflict with this act are hereby repealed.

Repealing clause.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified this the 23d day of August, A.D. 1924.

## CHAPTER 102

### AN ACT TO APPROPRIATE FUNDS, NOT EXCEEDING \$1,500, FOR A SUITABLE BASE OR FOOTING FOR THE AYCOCK MONUMENT ON CAPITOL SQUARE.

Whereas the school children of North Carolina, and other friends and admirers among the people of North Carolina of Governor Charles B. Aycock, have, by voluntary contributions

Preamble: school children and others have presented monument to State.

aggregating approximately twenty thousand dollars, presented to the State and placed in the Capitol Square a superb monument of our distinguished and beloved ex-Governor, the work of one of the Nation's greatest sculptors, Gutzon Borglum: Therefore,

*The General Assembly of North Carolina do enact:*

Base for monu-  
ment authorized  
to be built.

Cost.

Expense, how  
paid.

SECTION 1. That the Board of Public Buildings and Grounds be and they are hereby authorized and directed to provide in granite and brick a suitable base or footing with the necessary curbing and steps in accordance with plans to be submitted by the sculptor, the expense thereof not to exceed fifteen hundred dollars (\$1,500), and that the funds necessary for the payment of the same are hereby appropriated out of any funds not otherwise appropriated in the State Treasury, and that the State Treasurer is hereby directed to pay the same upon vouchers approved by said Board of Public Buildings and Grounds.

SEC. 2. That this act shall be in full force and effect from and after its ratification.

Ratified this the 23d day of August, A.D. 1924.

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### CHAPTER 103

#### AN ACT TO PLACE WIDOW OF CONFEDERATE VETERAN UPON THE PENSION ROLL.

*The General Assembly of North Carolina do enact:*

Widow placed  
on pension roll.

SECTION 1. That Dessie Phillips, widow of Captain N. G. Phillips, be placed on the pension roll of the State, she being about seventy-five years old and an invalid and in destitute circumstances and worthy.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 23d day of August, A.D. 1924.

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### CHAPTER 104

#### AN ACT FOR THE RELIEF OF MRS. M. J. WEEKS, WIDOW OF SILAS WEEKS, OF COMPANY E, THIRTY-THIRD NORTH CAROLINA TROOPS.

*The General Assembly of North Carolina do enact:*

Widow placed  
on pension roll.

SECTION 1. That the Board of Pensions, State of North Carolina, be authorized and directed to put upon the pension roll of widows of Confederate soldiers the name of Mrs. M. J. Weeks, widow of Silas Weeks, of Company E, Thirty-third North Carolina Troops.

SEC. 2. That the Auditor of the State of North Carolina be authorized and directed to issue to the said Mrs. M. J. Weeks of Trinity, North Carolina, a pension warrant of the amount allowed by law to the widows of Confederate soldiers and dated as of the fifteenth day of June, one thousand nine hundred and twenty-four.

Auditor to  
issue warrant.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 23d day of August, A.D. 1924.

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## CHAPTER 105

### AN ACT TO VALIDATE CERTAIN GRANTS IN WATAUGA COUNTY, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the grants to Adolphus W. Penley, dated December thirtieth, one thousand eight hundred and seventy-five, for lands in Watauga County, are hereby validated, and upon the filing of the original of said grants, or a certified copy thereof from the office of the register of deeds of Watauga County, North Carolina, the Secretary of State is authorized to record such original or certified copy in his office.

Grants validated.

Record to be  
made.

SEC. 2. That grant number two thousand and twenty-five from the State of North Carolina to G. R. Councill, dated March seventh, one thousand eight hundred and eighty-two, for six hundred and forty acres of land in Watauga County be and it is hereby corrected so that its calls shall hereafter read as follows: "Beginning on a black pine in the dividing ridge between the North and South fork of the Laurel Fork running west two hundred and eighty-five poles to a stake; thence north three hundred and sixty poles to a stake; thence east two hundred eighty-five poles to a stake; thence south three hundred sixty poles to the beginning."

Grant corrected.

New calls set out.

SEC. 3. This act shall be in force from and after its ratification.

Ratified this the 23d day of August, A.D. 1924.

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## CHAPTER 106

### AN ACT TO AMEND SECTIONS 5 AND 6 OF CHAPTER 189 OF THE PUBLIC LAWS OF 1921, PROVIDING FOR TWO MEETINGS YEARLY OF THE COUNTY PENSION BOARDS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section five of chapter one hundred and eighty-nine be amended as follows: By adding the letter "s" to the word "Monday" in the third line, and adding the words "February and"

Section amended.

Two meetings  
yearly.

County pension  
boards.

before the word "July" in the third line. That section six be amended as follows: By adding the letter "s" to the word "Monday" in the first line and adding the words "February and" before the word July in the first line.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 23d day of August, A.D. 1924.

## CHAPTER 107

### AN ACT TO AMEND CHAPTER 220 OF THE PUBLIC LAWS OF 1923, RELATING TO MUNICIPAL IMPROVEMENTS.

*The General Assembly of North Carolina do enact:*

Law amended.

Proviso added:  
assessment  
districts.  
For certain  
purposes.

District cannot be  
declared without  
petition.

Act does not  
apply to certain  
proceedings  
pending.

SECTION 1. That chapter two hundred and twenty of the Public Laws of one thousand nine hundred and twenty-three be amended by adding after section two the following: "*Provided, however,* that no district shall be declared as an assessment district by the governing body of any municipality, where the purpose of the proposed improvements contemplates the opening of a new or the widening of an existing street and the destruction or removal of buildings abutting thereon and where as much or more than fifty per cent of the costs of such proposed improvement is to be charged against the property within such district, unless and until a petition therefor signed by at least a majority in number of the property owners, which must represent at least a majority of the street frontage to be assessed within said district, shall be filed with the governing body of such municipality."

SEC. 2. That this act shall not apply to proceedings pending under chapter two hundred and twenty of Public Laws of one thousand nine hundred and twenty-three, at the time of ratification of this act.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 23d day of August, A.D. 1924.

## CHAPTER 108

### AN ACT TO VALIDATE CERTAIN PROBATES AND REGISTRATIONS.

*The General Assembly of North Carolina do enact:*

Acknowledgments  
and proofs of  
execution.  
Secure indebted-  
ness to building  
and loan asso-  
ciation.

SECTION 1. That all acknowledgments and proofs of execution, including privy examination of married women, of any mortgage or deed of trust executed to secure the payment of any indebtedness to any building and loan association prior to the tenth day

of August, one thousand nine hundred and twenty-four, shall not be, nor held to be, invalid by reason of the fact that the clerk of the Superior Court, justice of the peace, notary public, or other officer taking such acknowledgment, proof of execution or privy examination, was an officer or stockholder in such building and loan association; but such proofs and acknowledgments of all such instruments, and the registration thereof, if in all other respects valid, are hereby declared to be valid.

Declared valid  
though certain  
conditions exist.

Nor shall the registration of any such mortgage or deed of trust ordered to be registered by the clerk of the Superior Court, or by any deputy or assistant clerk of the Superior Court, be or held to be invalid by reason of the fact that the clerk of the Superior Court, or deputy, or assistant clerk of the Superior Court, ordering such mortgages or deeds of trust to be registered was an officer or stockholder in any building and loan association, whose indebtedness is secured in and by such mortgage or deed of trust.

Registration of  
instruments.

Declared valid  
though certain  
conditions exist.

SEC. 2. That this act shall not apply to pending litigation.

Pending litigation  
not affected.  
Repealing clause.

SEC. 3. That all laws or clauses of laws in conflict herewith are hereby repealed.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified this the 23d day of August, A.D. 1924.

## CHAPTER 109

### AN ACT TO REGULATE THE POSTING OF ADVERTISEMENTS.

*The General Assembly of North Carolina do enact:*

SECTION 1. Any person who in any manner paints, prints, places, or affixes, or causes to be painted, printed, placed, or affixed, any business or commercial advertisement on or to any stone, tree, fence, stump, pole, automobile building, or other object, which is the property of another without first obtaining the written consent of such owner thereof, or who in any manner paints, prints, places, puts, or affixes, or causes to be painted, printed, placed, or affixed, such an advertisement on or to any stone, tree, fence, stump, pole, mile-board, mile-stone, danger-sign, danger-signal, guide-sign, guide-post, automobile building or other object within the limits of a public highway, shall be guilty of a misdemeanor and shall be fined not exceeding fifty dollars (\$50) or imprisoned not exceeding thirty (30) days.

Advertisements  
on property.

Consent of owner.

Violation of act  
a misdemeanor.  
Punishment.

SEC. 2. This act shall be in force sixty (60) days from and after its ratification.

When act  
effective.

Ratified this the 23d day of August, A.D. 1924.



## CHAPTER 110

## AN ACT TO AMEND SECTION 3201, RESPECTING TO HOLDING OFFICE CONTRARY TO THE CONSTITUTION.

*The General Assembly of North Carolina do enact:*

Section amended.

Proviso: action by resident of county in which defendant resides.

SECTION 1. That section thirty-two hundred and one of the Consolidated Statutes be amended by adding thereto the following proviso, to wit: "*Provided*, such action shall not be brought or maintained by any person who is not a *bona fide* resident of the same county in which the defendant resides."

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 23d day of August, A.D. 1924.

## CHAPTER 111

## AN ACT TO AMEND SECTION 1 OF CHAPTER 89 OF THE PUBLIC LAWS, EXTRA SESSION OF 1921, ENTITLING WIDOWS OF CONFEDERATE VETERANS WHO MARRIED PRIOR TO 1898 TO PENSIONS.

*The General Assembly of North Carolina do enact:*

Law amended.

Marriage before 1898.

SECTION 1. That section one of chapter eighty-nine of the Public Laws of the Extra Session of nineteen hundred and twenty-one be amended as follows: By striking out the word "eighty" in the fourth line and inserting in lieu thereof the words "ninety-eight."

SEC. 2. This act shall be in force from and after its ratification.

Ratified this the 23d day of August, A.D. 1924.

## CHAPTER 112

## AN ACT TO AMEND SENATE BILL NO. 32, KNOWN AS "WATER TRANSPORTATION BILL," SO AS TO FILL IN THE BLANK SPACE INADVERTENTLY LEFT OPEN, AND TO PROVIDE COMPENSATION FOR THE COMMISSIONERS APPOINTED PURSUANT THERETO.

*The General Assembly of North Carolina do enact:*

Act passed by present session amended.

Pay of commissioners.

SECTION 1. That Senate Bill thirty-two, House Bill number three hundred and sixty-seven, of the Extra Session of nineteen hundred and twenty-four General Assembly be and the same is hereby amended by inserting in line twenty-seven of section one thereof after the word "be" and before the word "dollars" the

word "ten": *Provided, however,* that there shall be no expenditures of any funds under the provisions of this act until the act commonly known as the "Ship and Water Transportation Act" shall have been ratified by the people as provided for in said act.

Proviso: no expenditures authorized until amended act is ratified by election.

SEC. 2. That this act shall be in force and effect in the same manner and at the same time that the Senate Bill number thirty-two takes effect and shall be a part of the act.

When act to be in effect.

SEC. 3. That all laws and clauses of laws in conflict with this act are hereby repealed.

Repealing clause.

Ratified this the 23d day of August, A.D. 1924.

### CHAPTER 113

AN ACT AMENDING CHAPTER 143 OF THE LAWS OF 1923, RELATING TO THE AUTHORITY OF THE BOARD OF COMMISSIONERS OF THE VARIOUS COUNTIES IN THE STATE TO BORROW MONEY AND ISSUE BONDS OR NOTES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the word "one" in line three of section four of said chapter one hundred and forty-three of the Public Laws of one thousand nine hundred and twenty-three be stricken out and the word "two" inserted in lieu thereof, so that said section shall read as follows: "No board of commissioners shall, for the purposes expressed in this act, issue bonds or notes under authority of this act to exceed two per cent of the assessed valuation of the property in the county for the year next preceding the issuance thereof."

Law amended.

Limitation of amount of bonds.

SEC. 2. That this section shall be in force from and after its ratification.

Ratified this the 23d day of August, A.D. 1924.

### CHAPTER 114

AN ACT TO AUTHORIZE THE NORTH CAROLINA STATE COLLEGE OF AGRICULTURE AND ENGINEERING TO ACCEPT THE CONVEYANCE IN FEE OF THE PROPERTY KNOWN AS THE STATE FAIR GROUNDS, IN THE CITY OF RALEIGH.

Whereas the North Carolina Agricultural Society has offered to convey in fee simple to the North Carolina State College of Agriculture and Engineering its property, with buildings and appurtenances thereunto belonging, known as the State Fair Grounds, on Hillsboro Street, in the city of Raleigh, containing sixty-nine and

Preamble: terms of offer to convey property.

one-half acres, more or less, estimated to be worth three hundred and fifty thousand dollars (\$350,000), free of all encumbrances except the sum of about seventy thousand dollars (\$70,000); and

Preamble:  
trustees of college  
favor conveyance  
of property.

Whereas the board of trustees of the North Carolina State College of Agriculture and Engineering, realizing that the purposes and achievements of both the college and agricultural society are intimately related, and that the two should work together in closer coöperation, and that the State Fair Grounds, on account of their location, could be of much greater value to the people of the State should they be transferred to the college, is heartily in favor of having the property in question conveyed to said college: Now, therefore,

*The General Assembly of North Carolina do enact:*

Trustees author-  
ized to accept  
conveyance.

SECTION 1. That the board of trustees of the North Carolina State College of Agriculture and Engineering is authorized and empowered to accept a conveyance of the real property of the North Carolina Agricultural Society, with the buildings and appurtenances thereunto belonging, known as the State Fair Grounds, on Hillsboro Street, in the city of Raleigh, North Carolina, and containing sixty-nine and one-half acres, more or less, upon the delivery of a conveyance whereby there shall be conveyed to the said board of trustees of the State College of Agriculture and Engineering a good and indefeasible title to said property, and the city of Raleigh is authorized and empowered to convey to said board of trustees of said college such interest as it may have in said property, whether vested, contingent, or otherwise.

City of Raleigh  
authorized to  
convey its  
interest.

Trustees author-  
ized to conduct  
fair.

SEC. 2. That the board of trustees of the North Carolina State College of Agriculture and Engineering is authorized in their discretion to operate and conduct, or cause to be operated and conducted, upon said State Fair Grounds property, a State Fair or agricultural and industrial exposition over a period of ten years, beginning in the year one thousand nine hundred and twenty-five, the said fair or exposition to take such form as said board of trustees may deem wise and to be operated for at least a week in each year.

Ten years.

State assumes  
indebtedness.

SEC. 3. If and when the said board of trustees of North Carolina State College of Agriculture and Engineering shall accept a conveyance of said property under the conditions aforesaid, the State shall assume or pay the indebtedness of the North Carolina Agricultural Society aforesaid, but shall not be liable for any other indebtedness thereof.

Repealing clause.

SEC. 4. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 5. That this act shall be in force from and after its ratification.

Ratified this the 23d day of August, A.D. 1924.

## CHAPTER 115

## AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA IN REGARD TO THE TAXATION OF HOMES, HOMESTEADS, NOTES, AND MORTGAGES.

*The General Assembly of North Carolina do enact:*

- SECTION 1. That section three of article five of the Constitution of North Carolina be and the same is hereby amended by striking out "*Provided*, notes, mortgages, and all other evidence of indebtedness, given in good faith for the purchase price of a home when said purchase price does not exceed three thousand dollars (\$3,000), and said notes, mortgages, and other evidences of indebtedness shall be made to run for not less than five nor more than twenty years, shall be exempt from taxation of every kind: *Provided*, that the interest carried by such notes and mortgages shall not exceed five and one-half per cent," and inserting in lieu thereof the following:
- "Provided*, notes, mortgages, and all other evidences of indebtedness, or any renewal thereof, given in good faith to build, repair, or purchase a home, when said loan does not exceed eight thousand dollars (\$8,000), and said notes and mortgages and other evidences of indebtedness, or any renewal thereof, shall be made to run for not less than one nor more than thirty-three years, shall be exempt from taxation of every kind for fifty per cent of the value of the notes and mortgages: *Provided*, the holder of said note or notes must reside in the county where the land lies, and there list it for taxation: *Provided further*, that when said notes and mortgages are held and taxed in the county where the home is situated, then the owner of the home shall be exempt from taxation of every kind for fifty per cent of the value of said notes and mortgages. The word "home" is defined to mean lands, whether consisting of a building lot or a larger tract, together with all the buildings and outbuildings which the owner in good faith intends to use as a dwelling place for himself or herself, which shall be conclusively established by the actual use and occupancy of such premises as a dwelling place of the purchaser or owner for a period of three months.
- SEC. 2. That this amendment shall be submitted at the next general election to the qualified voters of the State in the same manner and under the same rules and regulations as provided in the law regulating general elections in this State.
- SEC. 3. That at said election, into a ballot box labeled "Ballot Box for Constitutional Amendment," or "Ballot Box for Constitutional Amendments," those desiring to vote for such amendment shall cast a separate printed ballot with the words "For Exemption from Taxation of Homes and Homestead Notes" thereon; and

Constitution amended.

Section stricken out.

Substitute section.

Indebtedness to provide home.

Limitation.

Run for not less than 33 years. Exempt from taxation for 50% of value.

Proviso: holder lives in county where land lies.

Proviso: owner exempt from taxation for 50% of indebtedness if evidence of debt held in county where home is.

Home defined.

Amendment to be submitted to election.

Ballot boxes.

Ballots.

those with a contrary opinion may cast a separate printed ballot with the words "Against Exemption from Taxation of Homes and Homestead Notes" thereon.

Law governing  
election.

SEC. 4. That the said election shall be held and the votes returned, compared, counted, and canvassed, and the result announced under the same rules and regulations as are in force at the general election in the year one thousand nine hundred and twenty-four for returning, comparing, counting, and canvassing the votes for Governor; and if a majority of the votes cast be in favor of the amendment, it shall be the duty of the Governor of the State to certify said amendment under the seal of the State to the Secretary of State, who shall enroll the said amendment so certified among the permanent records of his office.

If election  
carries.

Duty of Governor.

Secretary of State.

Repealing clause.

SEC. 5. All laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 6. That this act shall be in force from and after the ratification.

Ratified this the 23d day of August, A.D. 1924.

## CHAPTER 116

AN ACT TO AMEND SECTION. 6667 OF THE CONSOLIDATED STATUTES, RELATING TO THE SALE OF CERTAIN DRUGS, PROVIDING FOR THE SALE OF PAREGORIC, GODFREY'S CORDIAL, ASPIRIN, ALUM, BORAX, BICARBONATE OF SODA, CALOMEL TABLETS, CASTOR OIL, COMPOUND CARTHARTIC PILLS, COPPERAS, COUGH REMEDIES WHICH CONTAIN NO POISON OR NARCOTIC DRUGS, CREAM OF TARTAR, DISTILLED EXTRACT WITCH HAZEL, EPSOM SALTS, HARLEM OIL, GUM ASAFETIDA, GUM CAMPHOR, GLYCERIN, PEROXIDE OF HYDROGEN, PETROLEUM JELLY, SALTPETRE, SPIRIT OF TURPENTINE, SPIRIT OF CAMPHOR, SWEET OIL, AND SULPHATE OF QUININE.

*The General Assembly of North Carolina do enact:*

Section amended.

SECTION 1. That section six thousand six hundred and sixty-seven of the Consolidated Statutes, relating to the sale of drugs, be and the same is hereby amended by inserting after the comma and before the word "nor" in line twenty-three the following: "nor with the sale of paregoric, Godfrey's Cordial, Aspirin, alum, borax, bicarbonate of soda, calomel tablets, castor oil, compound carthartic pills, copperas, cough remedies which contain no poison or narcotic drugs, cream of tartar, distilled extract witch hazel, epsom salts, harlem oil, gum asafetida, gum camphor, glycerin, peroxide of hydrogen, petroleum jelly, saltpetre, spirit of turpentine, spirit

Restriction of  
sale of drugs  
changed.



of camphor, sweet oil, and sulphate of quinine": *Provided*, this act shall not apply to any city or town wherein there is located an established drug store.

Proviso: cities and towns where there are drug stores.

SEC. 2. That this act shall not apply to the counties of Avery, Bertie, Cleveland, Cabarrus, Cumberland, Duplin, Forsyth, Gaston, Guilford, Halifax, Harnett, Iredell, Henderson, Mecklenburg, Montgomery, Nash, Pender, Moore, New Hanover, Orange, Richmond, Rockingham, Robeson, Rowan, Scotland, and Wilson.

Act does not apply to counties named.

SEC. 3. That in the counties exempted from this act, the law as to the sale of drugs as heretofore existing on August first, one thousand nine hundred and twenty-four, shall be and remain the law therein.

Law governing exempted counties.

SEC. 4. That all laws and clauses of laws in conflict with this act are hereby repealed.

Repealing clause.

SEC. 5. That this act shall be in full force and effect from and after its ratification.

Ratified this the 23d day of August, A.D. 1924.

## CHAPTER 117

### AN ACT AMENDING ARTICLE 4 OF CHAPTER 67 OF THE CONSOLIDATED STATUTES, AUTHORIZING TOWNSHIP SUBSCRIPTIONS IN AID OF RAILROADS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That article four of chapter sixty-seven of the Consolidated Statutes be amended by adding the following: "That whenever the board of county commissioners of any county has subscribed for the use and benefit of any township to any interest in any railroad or railroad corporation, as provided in said article, and the majority of the proxies chosen to represent the stock or interest of the township in such railroad shall certify to the board of commissioners that in their opinion the interest of the township in said railroad or railroad corporation should be increased, the board of county commissioners shall order an election to be held in such township, upon the petition of one-fourth of the qualified voters of such township, in the same manner as provided in said article and chapter, and if the majority of the qualified voters of such township shall vote in favor of the proposition contained in the petition the county commissioners shall execute and deliver the bonds authorized, levy and collect in the township and dispose of the tax, as authorized in said article four, chapter sixty-seven of the Consolidated Statutes."

Law amended.

Interest of township in railroad.

Proxies recommend increase of interest.

Election to be ordered.

Petition.

Bonds.

Tax.

SEC. 2. Said bonds shall be executed by the chairman of the board of county commissioners of such county, attested by the clerk of said board, who shall affix the seal of the board, and deliver the same to the board of proxies representing said township.

Bonds: how executed.

Advertisement  
of bonds.

SEC. 3. The board of proxies shall advertise said bonds as provided by law, and faithfully apply the same to the purposes set forth in the petition for the election.

Organization  
of proxies.

SEC. 4. The proxies chosen at each general election shall qualify and organize on the first Mondays in December, elect a chairman, vice-chairman and secretary, and they shall annually in each year file with the board of county commissioners a copy of the report required by law to be made to the Interstate Commerce Commission.

Annual report.

Vacancies.

SEC. 5. That any vacancy occurring in the board of proxies shall be filled by the board of proxies until the next general election.

SEC. 6. This act shall be in effect from and after its ratification. Ratified this the 23d day of August, A.D. 1924.

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## CHAPTER 118

AN ACT TO AMEND SECTION 1706 OF CHAPTER 33 OF THE CONSOLIDATED STATUTES, ENTITLED "EMINENT DOMAIN," SO AS TO CONFER THE RIGHT OF EMINENT DOMAIN ON THE NORTH CAROLINA FISHERIES COMMISSION.

*The General Assembly of North Carolina do enact:*

Law amended.

SECTION 1. That section one thousand seven hundred and six of article one of chapter thirty-three of the Consolidated Statutes of North Carolina, which chapter is entitled "Eminent Domain," be and the same is hereby amended by adding after subsection five of said section, as a new subsection, the following: "6. North Carolina Fisheries Commission."

North Carolina  
Fisheries Com-  
mission.

Repealing clause.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 23d day of August, A.D. 1924.

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## CHAPTER 119

AN ACT TO AMEND SECTION 6078 OF THE CONSOLIDATED STATUTES, SO AS TO PROVIDE FOR THE INVESTIGATION OF FOREST FIRES.

*The General Assembly of North Carolina do enact:*

Section amended.

SECTION 1. Section six thousand and seventy-eight of the Consolidated Statutes, is hereby amended by a new sentence imme-

diately before the last sentence of said section, as follows: "It shall be the duty of the Insurance Commissioner to appoint two or more persons as deputies, whose particular duty it shall be to investigate forest fires and endeavor to ascertain the persons guilty of setting such fires and cause prosecution to be instituted against those who, as a result of such investigation, are deemed guilty." Deputies to be appointed.  
Duties.

SEC. 2. All laws and clauses of laws conflicting herewith are repealed. Repealing clause.

SEC. 3. This act shall be in force from and after its ratification.  
Ratified this the 23d day of August, A.D. 1924.

## CHAPTER 120

### AN ACT TO AMEND CHAPTER 136, ARTICLE 23, PUBLIC LAWS OF 1923.

*The General Assembly of North Carolina do enact:*

SECTION 1. That after section two hundred seventy, article twenty-three, chapter one hundred and thirty-six, Public Laws nineteen hundred and twenty-three, be added section two hundred and seventy-one, as follows: Law amended.  
Section added.

"SEC. 271. That whenever the county board of education of any county shall petition the county commissioners of said county that it is necessary, in order to provide a building or buildings to carry on a six-months school in their county, and the location and plans for such building or buildings, as proposed, has been approved by the State Superintendent of Public Instruction, the county commissioners may in their discretion, without submitting the issue to a vote of the people, borrow such sum of money as may in their judgment be necessary to erect or repair such building or buildings, and the commissioners are empowered and authorized to issue serial notes of the county or serial bonds of the county as provided for in section two hundred and sixty-six and section two hundred and sixty-seven, article twenty-three, chapter one hundred and thirty-six, Public Laws of nineteen hundred and twenty-three: Petition to provide school building.  
Location and plans approved.  
Commissioners may borrow money.

*Provided*, this act shall not apply to the following counties: Alamance, Alexander, Alleghany, Anson, Ashe, Avery, Beaufort, Bertie, Bladen, Brunswick, Buncombe, Burke, Cabarrus, Camden, Carteret, Caswell, Catawba, Chatham, Cherokee, Chowan, Clay, Columbus, Craven, Cumberland, Currituck, Dare, Davidson, Davie, Duplin, Durham, Edgecombe, Franklin, Gaston, Gates, Graham, Granville, Greene, Guilford, Halifax, Harnett, Haywood, Henderson, Hertford, Hoke, Hyde, Iredell, Jackson, Johnston, Jones, Lee, Lenoir, Lincoln, Macon, Madison, Martin, McDowell, Mecklenburg, Mitchell, Montgomery, Moore, Nash, New Hanover, Northampton, Serial notes authorized to be issued.  
Act does not apply to counties named.

Onslow, Orange, Pamlico, Pasquotank, Pender, Perquimans, Person, Pitt, Polk, Randolph, Richmond, Robeson, Rockingham, Rowan, Rutherford, Sampson, Scotland, Stanly, Stokes, Surry, Swain, Transylvania, Tyrrell, Union, Vance, Wake, Warren, Washington, Watauga, Wayne, Wilkes, Wilson, Yadkin, Yancey."

SEC. 2. This act shall be in force from and after its ratification. Ratified this the 23d day of August, A.D. 1924.

## CHAPTER 121

### AN ACT TO AMEND CERTAIN SECTIONS OF CHAPTER 136, PUBLIC LAWS OF 1923, AND SECTION 3910 OF THE CONSOLIDATED STATUTES.

*The General Assembly of North Carolina do enact:*

Section amended.	SECTION 1. That section sixty-one of chapter one hundred and thirty-six, Public Laws of one thousand nine hundred and twenty-three, be amended by inserting in line two thereof after the word "education" and before the word "may" the words "or board of trustees of any special charter district"; and that said section be further amended by substituting the words "any such board" in lieu of the word "the" in line four between the words "whenever" and "board"; and that said section be further amended by inserting between line seventeen and line eighteen the words "or, if a charter district, upon the treasurer of such charter district."
Trustees given authority to secure school sites.	
To conform with amendment.	
Order for payment of site.	
Section amended.	SEC. 2. That section seventy-three (a) of said chapter one hundred and thirty-six be and is hereby amended by adding at the end of subsection two of said section seventy-three (a) the words:
Notice of meeting.	"The meeting required to be held before the adoption of the county-wide plan shall be called, and the notification required to be given of a contemplated modification or change of an adopted plan shall be given by publication once at least ten days before the meeting or the hearing in a newspaper published at the county-seat of a notice addressed to those affected thereby, giving the hour and day and place of the meeting or the hearing and the purpose thereof, and by the mailing to or serving of like notices upon all committeemen and trustees.
Committeemen and trustees.	
Posted notices.	"If no newspaper be published in the county-seat, such notice shall be posted at the courthouse door and at a public place in each township in the county ten days prior to such meeting.
Mailing or service of notice.	"No adoption or amendment of such plan shall be held invalid or ineffectual because of any failure to comply with the requirement hereof as to the mailing or service of notice."
Section amended.	SEC. 3. That section two hundred and fifty-seven of said chapter one hundred and thirty-six be and is hereby amended by adding at the end of said section the words: "The notice of election shall set forth the boundaries of the district, unless the district is coterminous with a county, city, town, or township, or is co-
Notice of election to set forth boundaries of district.	
Exceptions.	

terminous with a county or township except that it does not include a city, town, or township, in such county or township, and the notice shall set forth either the amount or the maximum amount of bonds proposed to be issued."

Maximum amount of bonds.

SEC. 4. That section two hundred and sixty-three of said chapter one hundred and thirty-six, be and is hereby amended by changing the period at the end of subsection (a) thereof to a comma, and by adding the words, "and said bonds shall be sold by the principal governing body of such city or town, and signed and sealed as may be directed by the principal governing body, and the proceeds derived from the sale of such bonds shall be turned over to the custodian of funds of such special charter district, who shall receive no commission for handling of such proceeds."

Section amended.

Bonds: how sold.  
How signed and sealed.  
Proceeds.

No commission authorized.

SEC. 5. That said section two hundred and sixty-three of said chapter one hundred and thirty-six be and is hereby further amended by striking out all of subsection (b) of said section two hundred and sixty-three, and by inserting in lieu thereof the following:

Section amended.

"Subsection (b). In the case of all special charter districts not described in subsection (a) of this section the petition for the election shall be made by the board of trustees to the board of county commissioners, which board shall call, hold, and determine the result of the election, as provided in this article, and the bonds shall be sold and issued by the board of trustees in the name of the district, and shall be signed and sealed as may be provided by said board of trustees, and the proceeds derived from the sale of such bonds shall be turned over to the custodian of funds of such special charter district, who shall receive no commission for the handling of such proceeds: *Provided, however*, that in districts of the kind described in this subsection, in which special school taxes are now levied by the principal governing body of a city or town situated within the district, the powers and duties conferred by this article on boards of county commissioners shall be exercised and performed by said principal governing body: *Provided further*, that in districts of the kind described in the subsection which lie in two or more counties, no petition shall be necessary, and the board of trustees of the district shall call, hold, and determine the result of the election."

Petition when district not coterminous with town or city.

Bonds: how sold.

How signed and sealed.  
Proceeds.

No commission authorized.  
Proviso: duties devolved on cities and towns.

Proviso: no petition necessary when district lies in two or more counties.  
Call and management of election.

SEC. 6. That section three thousand nine hundred and ten of the Consolidated Statutes be amended by inserting in line thirteen after the word "fund" and before the word "for" the words "the special building fund, nor from funds derived from county or district bond issues."

Section amended.

Treasurer allowed no commission for handling funds named.

SEC. 7. That all laws and clauses of laws in conflict with this act are hereby repealed.

Repealing clause.

SEC. 8. This act shall be in full force and effect from and after its ratification.

Ratified this the 23d day of August, A.D. 1924.



## CHAPTER 122

AN ACT TO REPEAL CHAPTER 240 OF THE PUBLIC LAWS OF 1923, ENTITLED "AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA, IN REGARD TO THE TAXATION OF HOMES, HOMESTEADS, AND NOTES AND MORTGAGES."

*The General Assembly of North Carolina do enact:*

Law repealed.

SECTION 1. That chapter two hundred and forty of the Public Laws of one thousand nine hundred and twenty-three be and the same is hereby repealed.

SEC. 2. That this act shall be in full force and effect from and after its ratification.

Ratified this the 23d day of August, A.D. 1924.

## CHAPTER 123

AN ACT FOR THE APPOINTMENT OF AN EDUCATIONAL FINANCE COMMISSION.

*The General Assembly of North Carolina do enact:*

Commission of seven members.

SECTION 1. That an Educational Finance Commission, consisting of seven members, composed of four members, one of whom shall be a land-owning farmer, to be appointed by the Speaker of the House, and three, one of whom shall be a land-owning farmer, to be appointed by the President of the Senate, is hereby created, which commission shall assemble in the city of Raleigh at the call of the Governor and organize by electing one of their number chairman and another secretary. It shall be the duty of this commission to study the methods of financing public education in North Carolina at this time, and to suggest to the next session of the General Assembly ways and means whereby the cost of education may be more equitably distributed, to the end that the efficiency of the public school system in North Carolina may be increased.

Created.

Organization.

Duties of commission.

Report to General Assembly.

Authority of commission.

SEC. 2. The said commission shall have authority to call to their assistance any public officer of the State, except the Governor, and any public officer of any county of the State, and any citizen of the State who may have appropriate information. The said commission has the further authority to cause to be displayed before them all official records bearing on public education in any department of State, and the official school records of any county or city in the State of North Carolina, or any other official information relating to public education that may be in the possession of any public official.

Study methods of other states.

SEC. 3. The said commission is hereby further authorized, if it deem wise, to study the methods of financing public education in

other states, either by visiting other states or calling to its assistance citizens of other states, at such compensation as may be determined by the commission: *Provided*, that the entire cost of this part of the commission's investigation shall not exceed one thousand and five hundred dollars (\$1,500).

*Proviso: Cost of this part of investigation not to exceed \$1,500.*

SEC. 4. The said commission shall make a report of its findings and recommendations to the General Assembly of one thousand nine hundred and twenty-five five days after the convening thereof. The report shall be printed and distributed to all State officials and to all county and city school officials within the State of North Carolina. Said commission is hereby authorized to have all printing necessary for carrying out the purpose of this act done by the Public Printer as all public printing is done.

*Report of commission.*

*Printed and distributed.*

SEC. 5. Said commission is authorized to employ such clerical assistance as may be needed and fix the compensation, and the action of the commission shall be conclusive.

*Clerical assistance.*

SEC. 6. Each member of the commission shall be paid ten dollars (\$10) per day and expenses during the time in which they are engaged upon their duties.

*Per diem of members.*

SEC. 7. The chairman and secretary shall issue vouchers for the payment of the expenses of the commission to the State Auditor, who shall cause the same to be paid according to law.

*Vouchers.*

SEC. 8. That this act shall be in force from and after its ratification.

Ratified this the 21st day of August, A.D. 1924.

## CHAPTER 124

AN ACT TO AMEND CHAPTER 143 OF THE PUBLIC LAWS OF 1921. RELATING TO THE SALARIES OF THE CHIEF CLERKS AND OTHER CLERICAL EMPLOYEES WHOSE COMPENSATION IS NOW FIXED BY LAW.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and forty-three of the Public Laws of one thousand nine hundred and twenty-one be and the same is hereby amended by inserting after the comma and before the word "and" in line six of said section the following: "and the State Library"; and that said section be further amended by adding at the end thereof the following: "*Provided further*, that the above proviso shall not apply to employees of the State Library."

*Law amended.*

*Proviso: salaries State Library employees.*

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

*Repealing clause.*

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 21st day of August, A.D. 1924.

## CHAPTER 125

AN ACT TO AMEND CHAPTER 262 OF THE PUBLIC LAWS OF 1907, INCREASING THE ANNUAL APPROPRIATION TO THE MOORE'S CREEK BATTLEGROUND ASSOCIATION FROM \$500 TO \$1,000.

Proviso:  
additional funds  
needed.

That whereas the buildings of the historic battleground of Moore's Creek are in need of repair; and whereas the funds heretofore appropriated are insufficient for the needs of the Moore's Creek Battleground Association in the care and keeping of said historic battleground: Now, therefore,

*The General Assembly of North Carolina do enact:*

Appropriation  
increased.

SECTION 1. That chapter two hundred and sixty-two of the Public Laws of one thousand nine hundred and seven be and the same is hereby amended by striking out in line two of section sixteen the words "five hundred" and inserting in lieu thereof the words "one thousand."

Repealing clause.

SEC. 2. That all laws and clauses of laws in conflict with this act are repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 23d day of August, A.D. 1924.

# RESOLUTIONS

OF THE

## GENERAL ASSEMBLY

### EXTRA SESSION 1924

#### RESOLUTION No. 1

A JOINT RESOLUTION TO ASSEMBLE IN JOINT SESSION  
TO RECEIVE THE MESSAGE OF HIS EXCELLENCY, THE  
GOVERNOR.

Whereas the Governor desires to address the General Assembly Preamble.  
in joint session at twelve o'clock noon, August seventh: Now,  
therefore, be it

*Resolved by the House of Representatives, the Senate concurring:*

That the General Assembly assemble in joint session in the Joint session.  
House of Representatives at twelve o'clock noon, August seventh,  
to receive the message of the Governor.

Ratified this the 9th day of August, A.D. 1924.

#### RESOLUTION No. 2

RESOLUTION RELATING TO THE DEATH OF HONORABLE  
WILEY NELSON.

The General Assembly of North Carolina, having heard with Preamble.  
profound regret of the death of Honorable Wiley Nelson, Repre-  
sentative from the county of Madison, is desirous of expressing its  
sense of the loss which Madison County and the State have thereby  
sustained: Therefore, be it

*Resolved by the House of Representatives, the Senate concurring:*

That in the death of Wiley Nelson the county of Madison and the Laments loss.  
State have lost a most efficient and courteous public servant, a  
gentleman of high character and highly esteemed by those who  
knew him.

*Resolved further,* that these resolutions be spread upon the Jour- Resolutions spread  
nals of the Senate and House of Representatives as a testimony on journals.  
of the high esteem in which the people of North Carolina held  
Wiley Nelson as a man, and their confidence in him as a Repre-  
sentative.

Copy to family.

*Resolved further*, that the Secretary of the State have a copy of these resolutions transmitted to the family of the deceased.

Ratified this the 9th day of August, A.D. 1924.

### RESOLUTION No. 3

JOINT RESOLUTION TO APPOINT A COMMITTEE TO NOTIFY HIS EXCELLENCY THAT THE GENERAL ASSEMBLY IS NOW CONVENED IN EXTRAORDINARY SESSION PURSUANT TO CALL.

*Resolved by the Senate, the House of Representatives concurring:*

Committee to be appointed.

1. That a committee of two on the part of the Senate and three on the part of the House be appointed to notify His Excellency that the General Assembly is now convened in extraordinary session pursuant to call, and is ready to receive any message he may desire to transmit.

2. That this resolution shall be in force from and after its adoption.

Ratified this the 9th day of August, A.D. 1924.

### RESOLUTION No. 4

JOINT RESOLUTION OF THE HOUSE AND SENATE COMMEMORATING THE LIFE AND SERVICES OF LOCKE CRAIG, AND ADJOURNING THE GENERAL ASSEMBLY IN HIS HONOR FOR THE DAY OF AUGUST 7, 1924.

Preamble: record of service.

Whereas God in His Almighty Providence has seen fit to remove from the scene of his labors and benefactions to the State of North Carolina, on June ninth, one thousand nine hundred and twenty-four, Locke Craig, born August sixteenth, one thousand eight hundred and sixty; graduate of the University of North Carolina, one thousand eight hundred and eighty; lawyer; district elector, one thousand eight hundred and ninety-two; elector for the State at large, one thousand eight hundred and ninety-six; Representative in the General Assembly, one thousand eight hundred and ninety-nine and one thousand nine hundred; Governor of North Carolina, one thousand nine hundred and thirteen to one thousand nine hundred and seventeen; by his services inseparably connected with the progress of this commonwealth in education, manufacturing, commerce, highways; and by his spirit identified with all that furthers the moral and intellectual life of the people; and

Preamble: desire to honor.

Whereas the General Assembly now convened in special session, mindful of his high character and service, is desirous to do him honor: Now, therefore, be it



*Resolved by the Senate, the House of Representatives concurring:*

1. That the Senate and House of Representatives do adjourn for the day of August seventh, nineteen hundred and twenty-four, in honor to his memory. Adjournment in honor of memory.
  2. That the Secretary of State shall have prepared and forwarded to the family of ex-Governor Craig, under the Great Seal of State, an embossed copy of this resolution. Copy to family.
  3. That this resolution be in effect from and after its ratification.
- Ratified this the 9th day of August, A.D. 1924.

### RESOLUTION No. 5

#### A RESOLUTION OF RESPECT IN REGARD TO THE DEATH OF THE HONORABLE CLAUDE KITCHIN.

Whereas, since the adjournment of the regular session of the Legislature of one thousand nine hundred and twenty-three, the Honorable Claude Kitchin has passed away; and whereas in his death the State and Nation have lost one of its greatest statesmen, and the Democratic Party its foremost leader in the National House of Representatives, he served as Representative in the Congress of the United States from the Second North Carolina Congressional District from the year one thousand nine hundred continuously until his death. During his service in Congress he was leader for many years, being chairman of its most important committee—the Committee on “Ways and Means.” He was a profound student of the tariff question and the subject of taxation, and when the Nation was in need of great statesmanship in financing the Nation’s expenses in the World War, he rendered invaluable service in preparing the tariff and taxation bills; and Preamble.

Whereas during his service to the State and Nation he always stood for equality, justice and righteousness among all men, and commanded the respect of his opponents as well as his friends and colleagues, though a man of strong convictions, aggressive, and fearless in debate, and as a debater won more signal victories than any man in his generation. Preamble.

*Resolved by the House of Representatives, the Senate concurring:*

That as a token of respect and appreciation of his great patriotic, loyal and unselfish service to the State, that the House of Representatives unanimously adopts this resolution by rising vote; and that when the House adjourns today that it adjourn in honor of the memory of the late Claude Kitchin; and that this resolution be spread on the House and Senate Journals, and that a copy of same be sent to the widow of the deceased with the assurances of their great respect in her loss and affliction. Token of respect.  
Adopted by rising vote.  
Adjournment in honor of memory.  
Resolution spread on journals.  
Copy to widow.

Ratified this the 14th day of August, A.D. 1924.

## RESOLUTION No. 6

A JOINT RESOLUTION IN REGARD TO THE DEATH OF  
DORMAN THOMPSON, LATE MEMBER OF THE GENERAL  
ASSEMBLY OF NORTH CAROLINA.

Preamble. Whereas, since the last meeting of the General Assembly of North Carolina, Dorman Thompson has died; and

Preamble. Whereas the deceased has served the State as a member of this body and as a member of the board of trustees of the University of North Carolina, and has served this State in said capacities with unusual fidelity, efficiency and ability, and won and merited the love and esteem and respect of all who knew him; and

Preamble. Whereas the said Dorman Thompson was an able lawyer, a counselor of sound judgment, and a man of the highest ideals and character; and

Preamble. Whereas the General Assembly of North Carolina desires to give recognition to the passing of this true North Carolinian who died at his home in Statesville, North Carolina, on October second, nineteen hundred and twenty-three: Now, therefore, be it

*Resolved by the House of Representatives, the Senate concurring:*

Token of respect. That as a token of respect and appreciation of the services to the State that this resolution be adopted by rising vote; and that this resolution be spread upon the Senate Journal, and when the Senate do adjourn today it adjourn in honor of the memory of Dorman Thompson, late member of this honorable body.

Adopted by  
rising vote.  
Resolution spread  
on journal.  
Adjournment in  
respect to  
memory.

Ratified this the 14th day of August, A.D. 1924.

## RESOLUTION No. 7

JOINT RESOLUTION APPOINTING A COMMITTEE TO MAKE  
A SURVEY AND STUDY OF THE PRISON SYSTEM IN  
NORTH CAROLINA.

Preamble: Whereas it is deemed proper to investigate the prison system in use in this State: Now, therefore, be it

investigation  
deemed proper.

*Resolved by the House of Representatives, the Senate concurring:*

Special committee SECTION 1. That a special committee, composed of three members of the House of Representatives, be appointed by the Speaker of the House, and two members of the Senate, to be appointed by the President of the Senate, be created for the purpose of making a study of the prison system in use in North Carolina, and of prison conditions in North Carolina as they now exist.

Study prison  
system.

Clerical. SEC. 2. That said special committee shall be allowed such assistance as it may deem proper, and shall be permitted in its discretion to employ prison experts to assist it in making

Experts.

said investigation, and fix the compensation therefor, to be paid by the Treasurer on warrant of the Auditor, approved by the chairman of the board; the members of said board shall receive their actual expenses while engaged in the discharge of the duties imposed upon them by this resolution, and in addition thereto, shall receive the sum of ten dollars (\$10) per day each for the time actually engaged in the performance of their duty hereunder:

Expenses and compensation of members.

*Provided, however,* that they shall not receive said per diem except for such time engaged in said study after the adjournment of the present session of the General Assembly, and the compensation and expenses provided for herein shall be paid out of the Treasury of the State of North Carolina by the Treasurer on warrants of the auditor, approved by the chairman of said committee.

Proviso: per diem to begin after adjournment of present session.

Compensation and expenses, how paid.

SEC. 3. The said committee is authorized to sit in the city of Raleigh and at such other places in the State of North Carolina and outside the State of North Carolina as in the judgment of said committee will best serve the welfare of the State.

Meetings of committee.

SEC. 4. That if said committee is unable for lack of time to make due and thorough study of the prison system in use in the State so as to make their report to the present General Assembly, then it is empowered and authorized to continue said study after adjournment of this session of the General Assembly, and report its recommendation to the next regular session of the Legislature.

Report to General Assembly.

SEC. 5. This resolution shall be in force from and after its ratification.

Ratified this the 20th day of August, A.D. 1924.

## RESOLUTION No. 8

### JOINT RESOLUTION IN REGARD TO THE CONSTRUCTION OF AN INLAND CANAL FROM THE HARBOR OF BEAUFORT IN CARTERET COUNTY TO THE CAPE FEAR RIVER NEAR THE CITY OF WILMINGTON.

Whereas the continuation of the Inland Waterways Canal from Beaufort to the Cape Fear River at or near the city of Wilmington would largely extend the benefits of said Inland Waterway and greatly increase inland water transportation and thus reduce the freight on goods moving through said inland canal: Now, therefore, be it

Preamble: value of continuation of canal.

*Resolved by the House of Representatives, the Senate concurring:*

SECTION 1. That the Senators from this State and the members of the House of Representatives from this State in Congress be and they are hereby urged to use their influence and endeavors to have an appropriation made by the Congress of the United States to

State Senators and Representatives in Congress urged to work for appropriation.

construct a canal from the harbor of Beaufort in Carteret County to the Cape Fear River at or near the city of Wilmington in the county of New Hanover.

Copy to be sent  
to each member  
in Congress.

SEC. 2. That a copy of this resolution be sent, upon its ratification by the Secretary of State, to each of the Senators and members of the House of Representatives representing the State in Congress.

SEC. 3. That this resolution shall be in force and effect from and after its ratification.

Ratified this the 20th day of August, A.D. 1924.

### RESOLUTION No. 9

#### A JOINT RESOLUTION PROVIDING SUITABLE SEATS IN THE GALLERIES OF THE HOUSE AND SENATE FOR THE GOVERNOR AND HIS FAMILY.

Preamble:  
Governor un-  
provided for.

Preamble:  
provision made  
in other states.

Whereas no place is prepared for the Governor of this State or his family to hear the debates in the General Assembly; and

Whereas such provision is made in other states and in the Nation: Now, therefore, be it

*Resolved by the House of Representatives, the Senate concurring:*

Seats to be  
provided.

That the Commission on Public Buildings and Grounds, in the further repairs to the Capitol, is hereby directed to provide suitable seats in the galleries of the House and of the Senate for the exclusive use of the Governor and his family, and any friends accompanying them, to be occupied by them at their pleasure.

Ratified this the 20th day of August, A.D. 1924.

### RESOLUTION No. 10

#### JOINT RESOLUTION IN BEHALF OF THE CLERKS OF THE GENERAL ASSEMBLY.

*Resolved by the Senate, the House of Representatives concurring:*

Resolution of  
past session made  
applicable to  
present session.  
Bonus for clerks.

SECTION 1. That joint resolution number twenty-three of the Public Laws of session one thousand nine hundred and twenty-three, entitled "Joint resolution in behalf of the clerks of the General Assembly," be and the same is hereby reënacted and made applicable to the present extra session of the General Assembly.

SEC. 2. This resolution shall be in force from and after its passage.

Ratified this the 20th day of August, A.D. 1924.

## RESOLUTION No. 11

## JOINT RESOLUTION IN REGARD TO THE ATLANTIC AND YADKIN RAILWAY COMPANY, SUCCESSOR TO THE CAPE FEAR AND YADKIN VALLEY RAILWAY COMPANY.

Whereas the General Assembly of North Carolina at its session in one thousand eight hundred and ninety-nine, by chapter ninety-eight of the Private Laws of said session, incorporated the purchasers of the Cape Fear and Yadkin Valley Railway Company as a body politic incorporate under the name of the Atlantic and Yadkin Railway Company and as such should have all the powers, rights, and franchises which were enjoyed by the Cape Fear and Yadkin Valley Railway Company; and

Preamble:  
incorporation of  
purchasers with  
all powers of  
former company.

Whereas by the decree of the Federal Court, under which the Cape Fear and Yadkin Valley Railway Company was sold, it was directed that the said railway company should be sold as an entirety and as one continuous line with all of its branches then owned by the said railway company; and

Preamble:  
railroad should  
have been sold as  
continuous line.

Whereas, in disregard of said decree of the said court, and in violation of the public policy of the State of North Carolina as then declared in its statutes, the said railway was subsequently dismembered and the part thereof running from Sanford to Wilmington was sold to the Wilmington and Weldon Railroad Company or the Atlantic Coast Line Railroad Company, and the part from Sanford to Mount Airy was operated by the Southern Railway Company, the said Southern Railway Company owning all of the stock in the said Atlantic and Yadkin Railway Company, and in this manner the railroad property constituting the Cape Fear and Yadkin Valley Railway Company was dismembered and divided into two parts, to the great injury of the people of North Carolina and especially of that wide section of the State traversed by the said line of railroad; and

Preamble:  
railroad was  
dismembered to  
injury of people  
of State.

Whereas the General Assembly of North Carolina did, in one thousand nine hundred and thirteen, by resolution number forty-eight, direct and empower the Corporation Commission of North Carolina to investigate fully any matters pertaining to the sale of any part of the said Atlantic and Yadkin Railway Company to the Wilmington and Weldon Railroad Company and to the Southern Railway Company, in order to ascertain the facts relating to said sale, and directed the said Corporation Commission to report the same to the Attorney-General of the State for such action as he might deem necessary and proper; and

Preamble:  
investigation  
formerly directed.

Whereas the General Assembly of the State of North Carolina, at its session in one thousand nine hundred and twenty-three, by joint resolution number forty-seven, did direct the Attorney-General of North Carolina to proceed without delay to institute such action or actions as might be desirable or necessary to dissolve the alleged illegal dismemberment of the said Atlantic and Yadkin

Preamble:  
action directed  
to dissolve  
dismemberment.



Railway Company, successor to the Cape Fear and Yadkin Valley Railway Company, in order that it might be restored as a continuous east and west line as contemplated by the State in the granting of the original charter; and

Preamble:  
action now  
pending.

Whereas the Attorney-General of the State has instituted an action in the courts of the State, which is now pending in the Supreme Court of the State of North Carolina, asking that the said railroad, formerly known as the Cape Fear and Yadkin Valley Railway Company, be restored and operated as a continuous line by the same company and the said attempted dismemberment of said railroad into two parts be annulled and dissolved, which said action has not yet been decided by the Supreme Court of the State of North Carolina; and

Preamble:  
receiver appointed  
for part of rail-  
road and court  
has been asked  
to direct sale.

Whereas the Southern Railway Company, by a suit instituted in the United States District Court for the Western District of North Carolina, at Greensboro, has had a receiver appointed for that part of the Atlantic and Yadkin Railway Company operated and owned by it, running from Sanford to Mount Airy, including the branches, and has in its bill of complaint filed in said action prayed that the court order its receiver to sell said property; and

Preamble:  
continuous line  
of great import-  
tance to State.

Whereas the operation of said railway line as a continuous line from Mount Airy to Wilmington, North Carolina, is of great importance to the people of the entire State of North Carolina, and especially vital to those counties traversed by the said railroad in that the said railroad, if operated as a continuous line from the navigable waters of the Cape Fear River to its other terminus in the mountains of the State at Mount Airy, will be of great value in connection with the water transportation from the waters of the Cape Fear River: Now, therefore, be it

*Resolved by the House of Representatives, the Senate concurring:*

Commission to be  
appointed to  
investigate.

SECTION 1. That a commission is hereby created, composed of five men of business experience and recognized standing and ability, citizens of the State, to be appointed by the Governor and confirmed by the Senate; and the said commission, after having informed itself of all the facts relating to the construction of the Cape Fear and Yadkin Valley Railway Company, its incorporation, its sale, the incorporation of the Atlantic and Yadkin Railway Company, the dismemberment of the said Atlantic and Yadkin Railway Company, and the property constituting the Cape Fear and Yadkin Valley Railway Company, is hereby authorized and directed to report to the Attorney-General of the State and to advise with him as to the suit or suits necessary to be instituted in order to invalidate said dismemberment and restore said property as a continuous line of railway in the State and operated as such. And the said Attorney-General is authorized in the name of the State to bring such suit or suits in the State or Federal courts as in his judgment may be proper and necessary to dissolve the

To report to  
Attorney-General  
its advice.

Attorney-General  
to bring neces-  
sary suits.

attempted dismemberment of said road, and to bring about its restoration as a continuous east and west line. And if the said commission, under the advice of the Attorney-General, finds that it is inadvisable to institute such actions in either the State or the Federal courts, and that it is impossible by suit in any court to have annulled the said dismemberment of said property, then the said commission is directed to petition the Interstate Commerce Commission of the United States and by said petition to lay before it all the facts relating to the sale and dismemberment of the said Cape Fear and Yadkin Valley Railway Company, predecessor to the Atlantic and Yadkin Railway Company, and to invoke the power of the said Interstate Commerce Commission to bring about a restoration of the said Atlantic and Yadkin Railway Company as a continuous line of railway and operated as such continuous line of railway, and in such proceeding before the Interstate Commerce Commission, the Attorney-General of North Carolina is hereby directed to appear for and in behalf of the commission created by this resolution, and the Governor of this State is authorized, if he shall deem it advisable, to employ other counsel to aid the Attorney-General of the State in the presentation and argument of the matter before the Interstate Commerce Commission; and authority is hereby given to said commission to institute, if the Attorney-General of the State shall deem it advisable, the said proceeding before the Interstate Commerce Commission, and any suit or suits in the State or Federal courts in the name of the State of North Carolina. And the said commission is hereby further directed and empowered, if the dismemberment of the said Atlantic and Yadkin Railway Company cannot be annulled in any suit or before the Interstate Commerce Commission of the United States and the said property restored in operation as a continuous line of railroad from Wilmington to Mount Airy, to negotiate with the owners of said property and ascertain if the said owners will sell, and if they will sell, at what price and upon what terms they will sell; and if the property is directed to be sold, if the line from Sanford to Mount Airy, together with the branches in that territory, is directed to be sold by the United States District Court for the Western District of North Carolina, to ascertain the time and terms of sale, and to report the same to the Governor of the State of North Carolina, who is authorized to submit the same to the General Assembly of the State at its next session for such action as it shall deem proper and advisable to take.

Petition Interstate Commerce Commission.

Attorney-General to appear before Interstate Commerce Commission.

Additional council.

Authority to institute suits before Commission.

If dismemberment cannot be annulled negotiate with owners.

Terms by which may purchase.

Court sale: time and terms.

Report to Governor.

Governor to submit same to next session.

Organization of commission.

Per diem.

Expenses.

SEC. 2. That the commission shall organize, after appointment, by electing a chairman and a secretary from its membership, and the members of the commission shall each receive ten dollars (\$10) per day while engaged in the discharge of the duties herein prescribed, and their actual travel expenses, and the same shall be paid upon voucher approved by the chairman and secretary of the commission and issued by the State Auditor to the Treasurer

Stenographer.

of the State. And the commission is hereby also authorized to employ a stenographer for such time as may be required and pay said stenographer by voucher drawn in the same manner as vouchers for the members of the commission.

SEC. 3. That this resolution shall be in full force and effect from and after its ratification.

Ratified this the 21st day of August, A.D. 1924.

### RESOLUTION No. 12

A JOINT RESOLUTION TO APPOINT A COMMISSION TO STUDY THE CONDITION OF THE OPERATION OF MOTOR VEHICLES USED IN THE TRANSPORTATION OF PERSONS AND PROPERTY FOR COMPENSATION ON THE PUBLIC HIGHWAYS, ROADS, AND STREETS IN THE STATE OF NORTH CAROLINA, AND TO MAKE A REPORT OF THEIR FINDINGS TO THE NEXT SESSION OF THE GENERAL ASSEMBLY, TO CONVENE IN THE CITY OF RALEIGH, JANUARY, 1925.

*Resolved by the House of Representatives, the Senate concurring:*

Commissioners  
named.

SECTION 1. That the Honorable Frank Page, chairman of the State Highway Commission; the Honorable W. N. Everett, Secretary of State; the Honorable James S. Manning, Attorney-General; the Honorable R. A. Doughton, Commissioner of Revenue; and the Honorable W. T. Lee, chairman of the Corporation Commission, be and they are hereby appointed, empowered, and directed to make a study and survey of the conditions surrounding the operation busses, trucks, taxicabs, and other motor vehicles used in the business of transporting persons or property for compensation on the public highways, roads, and streets in the State of North Carolina, and make a report of their findings and draft a proposed bill to regulate the operation and management of such motor vehicles upon the public highways, roads, and streets of the State to the next session of the General Assembly, which will convene in the capital, January, one thousand nine hundred and twenty-five.

Duties.

Report of  
findings.  
Draft proposed  
law.

Clerical  
assistance.  
Examine persons  
for information.

SEC. 2. The commission is empowered to employ such clerical and other assistance as it may deem necessary to examine, and cause to be examined, persons engaged in the above described business, and such other persons as it may deem necessary, to gather statistics relative to the operation and management of motor vehicles engaged in such business, and to do any and all other necessary and proper things to enable them to ascertain, arrive at, and find the true facts in connection therewith.

No extra com-  
pensation other  
than expenses.  
Expenses: how  
paid.

SEC. 3. No one of said commission shall receive any compensation for their services other than the present compensation allowed by law, except other than actual expenses; all necessary expenses incurred by the commission in carrying out the duties imposed

upon them shall be paid from that portion of the State Highway funds allowed and allocated as an expense incident and connected with the motor vehicle and gasoline tax provided by law; all of which expenses shall be paid upon proper voucher issued by the said commission, and such expenditures as shall be made are hereby allowed as part of the expenses contemplated by law as fully as if the same were set forth in the legal statutes relative thereto.

SEC. 4. This resolution shall be in force from and after its date of ratification.

Ratified this the 21st day of August, A.D. 1924.

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### RESOLUTION No. 13

#### A JOINT RESOLUTION IN BEHALF OF THE STATE CENTRAL TELEPHONE OPERATORS.

Whereas the members of the General Assembly have received excellent service from the State central telephone operators, to wit: Mrs. M. E. Jones, Mrs. Grace Harper, and Miss Gertrude Smith; and

Whereas the duties of their business have been very arduous and their labors greatly increased by reason of the additional work imposed upon them during this session of the General Assembly: Therefore, be it

*Resolved by the Senate, the House of Representatives concurring:*

SECTION 1. That Mrs. M. E. Jones, Mrs. Grace Harper, and Miss Gertrude Smith each be allowed as compensation for their services the sum of two dollars per day for each day of the special session of one thousand nine hundred and twenty-four (extra), and that the State Auditor is hereby authorized and directed to issue vouchers in payment thereof.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 22d day of August, A.D. 1924.

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### RESOLUTION No. 14

#### A JOINT RESOLUTION PROVIDING COMPENSATION FOR ELLIS M. POWELL, CLERK OF THE POSTOFFICE SUB- STATION, AND MRS. J. F. MITCHELL, STATE CAPITOL TELEPHONE OPERATOR.

*Resolved by the Senate, the House of Representatives concurring:*

#### ALLOWANCE CONSIDERATION.

SECTION 1. That Ellis M. Powell, clerk of the postoffice sub-station, located in the Capitol building, and Mrs. J. F. Mitchell,



State Capitol telephone operator, be allowed the sum of two dollars per day as compensation for their faithful, untiring, and efficient service to the members of this General Assembly in caring for and delivering their mail and efficient telephone service.

#### ISSUE AND PAYMENT OF WARRANT.

Issue of  
warrants.

SEC. 2. That the State Auditor is hereby directed to issue his warrant upon the State Treasurer for the amount of the above sums, and the State Treasurer is authorized and directed to pay the same out of the general funds of the State.

SEC. 3. That this resolution shall take effect upon ratification.  
Ratified this the 22d day of August, A.D. 1924.

#### RESOLUTION No. 15

#### A JOINT RESOLUTION PROVIDING FOR THE REFUND TO INTERNATIONAL SHOE COMPANY FOR PENALTY ILLEGALLY COLLECTED.

Preamble: penalty  
collected under  
law.

Whereas the International Shoe Company, a corporation duly organized, chartered, and existing under the laws of the State of Delaware, with its principal office and place of business in the city of St. Louis, State of Missouri, did on or about April first, one thousand nine hundred and twenty-two, by direction of the Insurance Department of the State of North Carolina, pay to the Treasurer of the State of North Carolina the sum of five hundred twenty-two and 79/100 dollars (\$522.79) as a penalty of five per cent (5%) of the insurance premium theretofore paid by said International Shoe Company upon its properties within the State of North Carolina, to certain fire insurance companies that were unlicensed in the State of North Carolina; and

Preamble: law  
declared unconsti-  
tutional.

Whereas section six thousand four hundred and twenty-seven of the Consolidated Statutes of North Carolina, which authorized the collection of said five per cent (5%) penalty was subsequently adjudged unconstitutional, and no further penalties exacted thereunder; and

Preamble: legisla-  
tion necessary to  
authorize refund.

Whereas it is claimed by the Insurance Department that there is no authorization for the refund of said penalty in the absence of specific legislative act: Therefore, be it

Refund  
authorized.

*Resolved by the House of Representatives, the Senate concurring:*

SECTION 1. That the Auditor of the State of North Carolina be directed to issue a warrant on the Treasurer of the State of North Carolina, payable to International Shoe Company, for the sum of five hundred twenty-two and 79/100 dollars (\$522.79).

SEC. 2. That this resolution shall be in force from and after its ratification.

Ratified this the 23d day of August, A.D. 1924.



## RESOLUTION No. 16

JOINT RESOLUTION RELATIVE TO THE APPOINTMENT OF A COMMISSION ON THE PART OF NORTH CAROLINA FOR THE PURPOSE OF PRESENTING THE CLAIMS OF NORTH CAROLINA FOR A NATIONAL PARK.

*Resolved by the Senate, the House of Representatives concurring:*

SECTION 1. That a committee of eight, three of whom shall be chosen by the President of the Senate and five by the Speaker of the House, be and they are hereby appointed to present the claims of North Carolina to the commission appointed by the United States for the purpose of effecting the location of a National Park in the Southern Appalachian Mountains. Committee to be appointed.

SEC. 2. That the Auditor shall issue his warrant upon the Treasurer for the payment of the necessary expenses of said commission, including expenses incurred in gathering information or data, as well as the actual necessary expenses of the individual members of the commission, which expense for gathering information and data shall not exceed twenty-five hundred dollars (\$2,500), upon the certificate of the chairman thereof. Warrants for expenses.

SEC. 3. That this resolution shall be in force from and after its passage. Limitation.

Ratified this the 23d day of August, A.D. 1924.

## RESOLUTION No. 17

JOINT RESOLUTION RELATIVE TO THE PRINTING OF THE INDEX TO CONSOLIDATED STATUTES, AUTHORIZED BY CHAPTER 86, PUBLIC LAWS OF 1923.

*Resolved by the Senate, the House of Representatives concurring:*

SECTION 1. The Secretary of State is authorized in his discretion to award the contract for printing the index to Consolidated Statutes, authorized by chapter eighty-six, Public Laws of North Carolina, session nineteen hundred and twenty-three, to the lowest responsible bidder, and in his discretion may award the printing thereof to some other printer than the State Printers. Secretary of State to award contract.

SEC. 2. For the cost of printing said index the Auditor shall issue a warrant upon the Treasurer upon the approval of the Secretary of State. Not necessary for work to be done by State printers.

SEC. 3. This act shall be in force from and after its ratification. Warrant for cost of printing.

Ratified this the 23d day of August, A.D. 1924.

## RESOLUTION No. 18

A JOINT RESOLUTION IN BEHALF OF MRS. W. J. PEELE  
FOR CLERICAL WORK IN THE OFFICE OF THE LEGISLA-  
TIVE REFERENCE LIBRARIAN.

Preamble. Whereas the members of the General Assembly have received excellent service from Mrs. W. J. Peele as clerk in the office of the Legislative Reference Librarian; and

Preamble. Whereas in the performance of said service the said Mrs. W. J. Peele has been courteous, faithful and efficient; and

Preamble. Whereas the said Mrs. W. J. Peele is entitled to compensation for said services: Therefore, be it

*Resolved by the House of Representatives, the Senate concurring:*

Allowance. SECTION 1. That Mrs. W. J. Peele be allowed as compensation for her services the sum of two dollars (\$2) per day for each day of the extra session of one thousand nine hundred and twenty-four.

Issue of voucher. SEC. 2. That the principal clerk of the House is hereby authorized and directed to issue a voucher in payment thereof.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 23d day of August, A.D. 1924.

## RESOLUTION No. 19

JOINT RESOLUTION OF APPRECIATION OF THE SERVICES  
OF SENATOR HARRY STUBBS FOR HIS TWENTY-FIVE  
YEARS OF EXCELLENT SERVICE RENDERED THE STATE  
OF NORTH CAROLINA.

Preamble. Whereas the Honorable Harry W. Stubbs will have served, at the expiration of this special session of the General Assembly, as a member of either of its branches for a continuous period of twenty-five years; and

Preamble. Whereas the services rendered the State of North Carolina by him as a legislator have been real, highly meritorious, and distinguished; and

Whereas the General Assembly learns with deep regret that his services terminate at the adjournment of this body: Therefore, be it

*Resolved by the House of Representatives, the Senate concurring:*

Affection expressed.  
Regret voluntary termination of connection. That the General Assembly of North Carolina with real sorrow and genuine affection expresses its regret that he has voluntarily severed his connection with this body, and that it hopes at some future day to see him once more a member of the Legislature, where his eloquent voice has so often been heard and in which he has rendered such valuable and honorable service.

Ratified this the 23d day of August, A.D. 1924.

**RESOLUTION No. 20****JOINT RESOLUTION AUTHORIZING THE SECRETARY OF STATE TO MAKE USE OF THE STENOGRAPHERS IN THE VARIOUS GOVERNMENTAL DEPARTMENTS IN THE ENROLLMENT OF BILLS.**

Whereas it is necessary to enroll a large number of bills during the last days of the session: Therefore,

Preamble.

*Resolved by the House of Representatives, the Senate concurring:*

SECTION 1. That for the purpose of enrolling the bills of the General Assembly the last days of the session, the Secretary of State be and he is hereby authorized to use the stenographers of the various governmental departments during office hours these days, and to pay them at the rate now provided by law.

Stenographers from governmental departments.

SEC. 2. That this resolution shall be in force from and after its ratification.

Ratified this the 23d day of August, A.D. 1924.

**RESOLUTION No. 21****JOINT RESOLUTION PROVIDING FOR ADEQUATE REPRESENTATION OF THE NATURAL RESOURCES, AGRICULTURAL PRODUCTS, AND MANUFACTURING AND INDUSTRIAL DEVELOPMENTS OF NORTH CAROLINA AT THE SOUTHERN EXPOSITION TO BE HELD IN NEW YORK CITY IN JANUARY, 1925.**

Whereas a Southern Exposition is to be held in New York City during the month of January, one thousand nine hundred and twenty-five, to be composed of exhibits from the various Southern states of the Union; and

Preamble: expositions to be held.

Whereas it will be to the decided interest and advantage of the State of North Carolina to be creditably represented at this exposition by adequate exhibits portraying the natural resources, agricultural products, and manufacturing and industrial developments, as well as the educational and social progress of the State: Now, therefore, be it

Preamble: to the interest of the State to be represented.

*Resolved by the Senate, the House of Representatives concurring:*

SECTION 1. That the sum of fifteen thousand dollars (\$15,000) is hereby appropriated for the purpose of aiding in giving the State of North Carolina adequate representation in the Southern Exposition to be held in New York City during the month of January, one thousand nine hundred and twenty-five.

Appropriation granted.

SEC. 2. That this sum, or so much thereof as may be necessary for the purchase of space, collecting and arranging exhibits, management, etc., be expended under the supervision of the North

How funds to be expended.

Carolina Geological and Economic Survey, which is hereby authorized and directed to use the same in giving full and proper representation at said exposition of the natural resources, agricultural products, manufacturing, industrial, educational, and social developments of the State in the portrayal of North Carolina's advantages as a State in which to live and prosper.

Survey authorized to receive gifts for exhibit.

Cooperate with other states.

State departments to cooperate.

Material and funds after exhibition appropriated to Survey.

Issue of warrant.

SEC. 3. The said North Carolina Geological and Economic Survey is also authorized and directed to receive, expend, administer, and manage gifts of money or material from private individuals, industries, or manufacturies, and to coöperate with other State agencies in making such State exhibit more completely representative of resources, industries, and activities, and the various State departments are authorized and directed to contribute their efforts to make said exhibit creditable to the State of North Carolina.

SEC. 4. That all material and equipment purchased with this appropriation, and any funds unexpended, be hereby appropriated to the use of the said Geological and Economic Survey for the purpose of providing permanent material and equipment adapted for exposition and exhibit use, in the interest of the State.

SEC. 5. That the State Auditor is hereby directed to issue his warrant in favor of the said North Carolina Geological and Economic Survey upon the State Treasurer for the amount of fifteen thousand dollars (\$15,000), and the State Treasurer is authorized and directed to pay the same out of the general funds of the State.

SEC. 6. That this resolution shall be in full force and effect from and after its ratification.

Ratified this the 23d day of August, A.D. 1924.

## RESOLUTION No. 22

### JOINT RESOLUTION RELATIVE TO EXTRA COMPENSATION OF THE NIGHT WATCHMAN OF THE STATE CAPITOL.

Preamble.

Whereas the night watchman of the Capitol building and grounds has had extra services to perform in looking after the lights in the Senate and House, and the Capitol building and grounds in general during the special session of the General Assembly, and in the performance of these duties he has been uniformly courteous and accommodating: Now, therefore,

*The General Assembly of North Carolina do enact:*

Allowance.

SECTION 1. That the night watchman be and he is hereby allowed the sum of thirty dollars (\$30) for these extra services during this special session of the General Assembly, to be paid by the State Treasurer upon the warrant of the State Auditor.

How paid.

SEC. 2. That this resolution shall be in force from and after its ratification.

Ratified this the 23d day of August, A.D. 1924.

**RESOLUTION No. 23****JOINT RESOLUTION IN REGARD TO THE DEATH OF SANFORD LAFAYETTE DOUB, LATE MEMBER OF THE GENERAL ASSEMBLY OF NORTH CAROLINA.**

Whereas, since the last meeting of the General Assembly of North Carolina, Sanford Lafayette Doub, late member of the General Assembly from Yadkin County, has died; and

Whereas the deceased, as county treasurer for four years, as member of the board of county commissioners for six years, and as chairman of said board for four years, served well his county of Yadkin; and

Whereas the deceased, as a member of the General Assembly, representing the county of Yadkin, faithfully and efficiently represented the citizens of his county and served the citizens of our State; and

Whereas the General Assembly of North Carolina desires to give recognition to the passing of one of its members who departed this life since the last session of the General Assembly: Now, therefore, be it

*Resolved by the House of Representatives, the Senate concurring:*

*First.* That as a token of respect and appreciation of his patriotic and valuable service to the State that the House of Representatives unanimously adopt this resolution by rising vote; that this resolution be spread on the House and Senate Journals, and that a copy of same be sent to the family of the deceased, with the assurances of a deep feeling of the members of the General Assembly.

Token of respect adopted by rising vote.

Resolution spread on journals.

Copy to family with expression of sympathy.

*Second.* That this resolution be in force from and after its ratification.

Ratified this the 23d day of August, A.D. 1924.

**RESOLUTION No. 24****A JOINT RESOLUTION FIXING THE TIME OF ADJOURNMENT.**

*The General Assembly of North Carolina do enact:*

SECTION 1. It is the desire of the Senate that the House of Representatives concur that this special session of the General Assembly of North Carolina adjourn not later than noon, Saturday, August twenty-third, one thousand nine hundred and twenty-four.

Ratified this the 23d day of August, A.D. 1924.

Adjournment.



## RESOLUTION No. 25

## RESOLUTION ENDORSING NORTH CAROLINA HOME COMING AND REUNION, OCTOBER, 1925.

Preamble: number of former citizens living in other states.

Whereas the Federal Census of one thousand nine hundred and twenty reported that there were one hundred and sixty-six thousand former citizens of North Carolina now residing in other states, and also one hundred and eleven thousand citizens of other states who have moved to North Carolina to take advantage of the transformed social and economic conditions, opportunities offered here for home life and investment; and

Preamble: desire to invite former citizens to revisit State.

Whereas the citizens of the State desire to invite its former citizens to return and visit their old homes and the scenes of their childhood, in a general reunion and home coming, in order that they may see and realize the wonderful growth and progress North Carolina has made in all lines of commerce, industry, agriculture, health conditions, and highway construction, which has placed North Carolina in the forefront of progress throughout the Nation: Therefore, be it

*Resolved by the House of Representatives, the Senate concurring:*

Old Home Day designated.

That the second Thursday in October, one thousand nine hundred and twenty-five, be known and designated as Old Home Day in every county in the State, when more than a million North Carolinians will welcome former friends, relatives and visitors from other states, who will return to the scenes of their childhood days, meet loved ones and friends of former years and reunite the broken ties of long separation, and join in fellowship of love and affection, and an appreciation of the old North State.

Various agencies asked to join invitation.

*Be it further resolved,* That the county commissioners of every county in the State, all chambers of commerce, real estate boards, railroads, woman's clubs, and all other civic organizations and business concerns in North Carolina, and also the press of the State and county be urged to join in this invitation, and that the railroads of the State be and are hereby requested to use their best efforts to have special passenger rates established for this occasion, both in North Carolina and over the railroads of the south, southwest, north, and northwest, and central states, which connect with North Carolina railroads or affiliated railway systems.

Special railroad rates.

General Assembly joins in invitation to former citizens.

*Be it further resolved,* That the House of Representatives of North Carolina at its special session, in the city of Raleigh, North Carolina, August seventh, one thousand nine hundred and twenty-four, the Senate concurring, hereby unites with the various organizations and citizens of North Carolina, in an official invitation to all former North Carolinians residing in other states, their relatives and friends, the relatives and friends of all who have moved to North Carolina from other states, to return and participate in a

general reunion and home coming in North Carolina during the entire month of October, one thousand nine hundred and twenty-five.

Ratified this the 23d day of August, A.D. 1924.

### RESOLUTION No. 26

#### JOINT RESOLUTION RELATIVE TO ALLOWANCE OF MILEAGE TO THE ASSISTANT ENGROSSING CLERKS AND THE READING CLERK.

Whereas it has heretofore been the custom for the assistant engrossing clerks and the reading clerk to draw the same mileage as members of the General Assembly; and Preamble.

Whereas, the question has arisen as to whether the Auditor has the authority to make this payment without the authorization of the General Assembly: Now, therefore, be it Preamble.

*Resolved by the Senate, the House of Representatives concurring:*

SECTION 1. That the assistant engrossing clerks and the reading clerk be paid the same mileage as is now received by the members of the General Assembly, and the Auditor is hereby authorized to issue his vouchers for the same. Mileage granted.  
Issue of vouchers.

SEC. 2. That this resolution shall be in force from and after its ratification.

Ratified this the 23d day of August, A.D. 1924.

### RESOLUTION No. 27

#### JOINT RESOLUTION IN REGARD TO THE DEATH OF FREDERICK LUDFORD WILSON COHOON, LATE MEMBER OF THE GENERAL ASSEMBLY OF NORTH CAROLINA.

Whereas since the last meeting of the General Assembly of North Carolina, Frederick Ludford Wilson Cohoon, late member of the General Assembly from Tyrrell County, has died; and Preamble.

Whereas the deceased served his county of Tyrrell faithfully and well as sheriff of said county for a period of twelve years; and Preamble.

Whereas the deceased served the citizens of his county as an able and patriotic public servant in representing the county of Tyrrell in the House of Representatives of the General Assembly; and Preamble.

Whereas the General Assembly of North Carolina desires to give recognition to the passing of one of its members, who departed this life since the last regular session: Now, therefore, be it Preamble.

*Resolved by the House of Representatives, the Senate concurring:*

First. That as a token of respect and appreciation of his patriotic and valuable service to the State that the House of Token of respect  
adopted by rising  
vote.

Representatives unanimously adopt this resolution by rising vote; that this resolution be spread on the House and Senate Journals, and that a copy of same be sent to the family of the deceased, with assurance of a deep feeling of the members of the General Assembly.

*Second.* That this resolution be in force from and after its ratification.

Ratified this the 23d day of August, A.D. 1924.

### RESOLUTION No. 28

#### JOINT RESOLUTION TO REJECT THE PROPOSED AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES PROVIDING FOR THE REGULATION BY CONGRESS OF THE LABOR OF PERSONS UNDER EIGHTEEN YEARS OF AGE.

Preamble: proposed amendment submitted.

Whereas the Sixty-eighth Congress of the United States submitted to the several states for ratification a proposed amendment to the Constitution of the United States, as follows:

#### "ARTICLE .....

Amendment set out.

"SECTION 1. The Congress shall have power to limit, regulate, and prohibit the labor of persons under eighteen years of age.

"SEC. 2. The power of the several states is unimpaired by this article, except that the operation of state laws shall be suspended to the extent necessary to give effect to legislation enacted by the Congress"; and

Preamble: proposed amendment in opposition to convictions of people of State.

Whereas the people of North Carolina, firmly believing in the preservation of the rights remaining in the several states, and entirely confident that they now have in force State laws providing fully for the protection of the youth of the State, are unalterably opposed to this unnecessary surrender of the further power to the National Congress: Now, therefore, be it

Ratification refused.

*Resolved by the Senate, the House of Representatives concurring:*

SECTION 1. The General Assembly of North Carolina does hereby reject and refuse to ratify the amendment to the Constitution of the United States proposed and submitted to the several states by the Sixty-eighth Congress of the United States, as follows:

#### "ARTICLE .....

Rejected amendment.

"SECTION 1. The Congress shall have power to limit, regulate, and prohibit the labor of persons under eighteen years of age.

"SEC. 2. The power of the several states is unimpaired by this article, except that the operation of state laws shall be suspended to the extent necessary to give effect to legislation enacted by the Congress."

SEC. 2. The Secretary of State of North Carolina shall transmit under the seal of his office a certified copy of this resolution to the Secretary of State of the United States, as required by law.

Certified copy to be transmitted as required by law.

SEC. 3. This resolution shall be in effect from and after its ratification.

Ratified this the 23d day of August, A.D. 1924.

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### RESOLUTION No. 29

JOINT RESOLUTION AMENDATORY OF SENATE RESOLUTION NO. 278, HOUSE RESOLUTION NO. 394, RELATIVE TO THE APPOINTMENT OF A COMMISSION ON THE PART OF NORTH CAROLINA FOR THE PURPOSE OF PRESENTING THE CLAIMS OF NORTH CAROLINA FOR A NATIONAL PARK.

*Resolved by the House of Representatives, the Senate concurring:*

SECTION 1. That the present Speaker of the House, the President of the University of North Carolina, and the President of the North Carolina State College of Agriculture and Engineering shall be *ex officio* members of the commission to be appointed under the provisions of House Resolution number two hundred and seventy-eight, Senate Resolution number three hundred and ninety-four, entitled "A joint resolution relative to the appointment of a commission on the part of North Carolina for the purpose of presenting the claims of North Carolina for a National Park."

Ex officio members commissioned named.

SEC. 2. That this resolution shall be in force from and after its ratification.

Ratified this the 23d day of August, A.D. 1924.

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### RESOLUTION No. 30

A JOINT RESOLUTION IN FAVOR OF DANIEL TERRY,  
KEEPER OF THE CAPITOL.

Whereas Daniel Terry, keeper of the Capitol, renders valuable Preamble. and most efficient service to the General Assembly in arranging the seating of all members prior to the convening of the General Assembly, and in keeping the halls of the Senate and House of Representatives in order; and

Whereas, on account of the repairs to the Capitol and extra Preamble. services in putting the building in condition for the extra session

of the General Assembly, which has caused a great deal of extra work aside from his regular duties for Daniel Terry: Now, therefore, be it

*Resolved by the House of Representatives, the Senate concurring:*

Allowance. SECTION 1. That Daniel Terry be allowed the sum of sixty dollars (\$60) as extra compensation for his services to the extra session of the General Assembly.

Issue of voucher. SEC. 2. That the principal clerk of the House is hereby authorized to issue his voucher for the above compensation, to be paid by the Treasurer upon warrant of the Auditor.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 23d day of August, A.D. 1924.

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STATE OF NORTH CAROLINA,  
OFFICE OF SECRETARY OF STATE,  
RALEIGH, October 1, 1924.

I, W. N. EVERETT, Secretary of State of the State of North Carolina, hereby certify that the foregoing (manuscript) are true copies of the original acts and resolutions on file in this office.

*W. N. Everett*  
Secretary of State.



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